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SURFACE PREPARATION AND COATINGS  
DESIGN/PRODUCTION INTEGRATION  
HUMAN RESOURCE INNOVATION  
MARINE INDUSTRY STANDARDS  
WELDING  
INDUSTRIAL ENGINEERING  
EDUCATION AND TRAINING

# **THE NATIONAL SHIPBUILDING RESEARCH PROGRAM**

## **Strategies and Demonstrations for the Reduction of Government Regu- lations Related to Commercial Ship- building**

U.S. DEPARTMENT OF THE NAVY  
CARDEROCK DIVISION,  
NAVAL SURFACE WARFARE CENTER

in cooperation with  
National Steel and Shipbuilding Company  
San Diego, California

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NSRP 0477

Strategies and Demonstrations for the  
Reduction of Government Regulations  
Related to Commercial Shipbuilding

U.S. DEPARTMENT OF THE NAVY  
CARDEROCK DIVISION,  
NAVAL SURFACE WARFARE CENTER

in cooperation with  
National Steel and Shipbuilding Company  
San Diego, California

**FINAL REPORT**

**STRATEGIES AND DEMONSTRATIONS FOR THE  
REDUCTION OF GOVERNMENT REGULATIONS  
RELATED TO COMMERCIAL SHIPBUILDING**

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In Behalf Of  
SNAME SPC PANEL SP-5

HUMAN RESOURCE INNOVATION

Under the  
**NATIONAL SHIPBUILDING RESEARCH PROGRAM**

September 1996

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## 1.0 INTRODUCTION

NSRP Panel 5 Project N5-94-3, “Strategies and Demonstrations for the Reduction of Government Regulations Related to Commercial Shipbuilding,” was awarded to SouthWest Marine Shipyard in San Diego, California.

### 1.1 Project Scope

The project was begun by SouthWest Marine staff in April 1995. In October 1995, because of staff shortages at SouthWest Marine, completion of the project was subcontracted to Levine-Fricke (San Diego, California). The original scope of the project was to develop “Strategies and Demonstrations” for shipyards to effectively work with federal regulatory agencies to reduce regulatory burdens on the U.S. shipbuilding industry. The original scope of work was progressively revised. Each revision in the scope of work was approved at NRSP Panel 5 meetings.

#### December 1995 Revision of Scope of Work

Levine- Fricke provided a quarterly project status report to the NSRP Panel 5 meeting in early December 1995 in Jacksonville, Florida. Because of the lack of responses from written surveys, the Panel agreed that the survey methodology would be changed to use oral and in-person shipyard interviews. Oral and in-person shipyard interviews were conducted during December 1995 and January 1996. In addition, because the survey results did not provide any shipyard costing data, it was not possible to do a cost/benefit analysis. The Panel also revised scope of work to be limited to four regulatory agencies. They are as follows:

- Occupational Safety and Health Administration (OSHA)
- Environmental Protection Agency (EPA)
- Maritime Administration (MARAD)
- U.S. Coast Guard

The majority of survey results discussed regulatory issues involving the abovementioned agencies.

#### Second Refinement of Scope of Work

After researching actual regulatory agency programs to address specific regulatory reform program, MARAD’s Office of Shipyard Revitalization asked to review the “raw data” from the survey results. During the NSRP February 1996 meeting in San Diego, NSRP Panel 5 agreed that MARAD should review the “raw data.” MARAD was sent the raw data in spreadsheet format. MARAD responded within one month, providing



specific details about MARAD's regulatory programs and information accessibility. Thus, at the February 1996 NSRP Panel 5 meeting, the final revised scope of work was as follows;

- . Shipyard Surveys of Regulatory Burden Issues.
- . Federal Government (EPA, MARAD, and OSHA) Regulatory Reform Programs.
- MARAD's Review of Survey Data.
- . Preparation of Final Report Focusing on The Four Specific Regulatory Actions Regarding the Regulations Issued Mentioned in the Shipyard Surveys.
- . Inclusion of Appropriate Regulatory Agency contacts for Specific Issues and for Information on Regulatory Reforms.

## 1.2 Report Summary Format

This report summarizes the one-year project in accordance with the following categories:

1. Shipyard Survey Methodology
2. Shipyard Survey Results
3. President Clinton's Initiative to Revitalize U.S. Commercial Shipbuilding
4. Federal Government Programs to Reinvent Government Regulations
5. Conclusions Regarding Government Regulatory Burden
6. Recommendations for Future Shipyard Methodology
7. Follow-Up Recommendations for Regulatory Reform at Shipyards

## 1.3 Overall Project Schedule

Because of an approximately three-month stop in work on this project during the summer of 1995, the project took one year and two months to complete. The following is a summary of the project work flow from April 1995 to June 1996.

1. April to October 1995:      Written surveys sent by South West Marine to 40 major shipyards, originally including navy shipyards.
2. June to November 1995:      Written responses received from shipyards (10 total responses from private shipyards)

3. July to December 1995: Research on current government programs to reduce regulatory burdens, including:
  - . President Clinton's Reinventing Regulations Program (1995)
  - President Clinton's Initiative to Revitalize U.S. Commercial Shipbuilding (1995)
  - MARAD's Office of Shipyard Revitalization Programs to work with Regulatory Agencies.
  - EPA's Programs to Reduce Regulations
  - OSHA'S Programs to Reduce Regulations
  - U.S. Coast Guard Regulatory Programs
4. December 1995 through February 1996: Telephone and/or in-person interviews with managers at 10 shipyards to get more details on regulatory burdens of the shipbuilding industry.
5. December 1995 NSRP Panel 5 Project Status Report (Jacksonville, Florida)
6. January 1996: Visits to MARAD, the U.S. Environmental Protection Agency (EPA), and the Coast Guard in Washington, D.C. to research the current status of each agency's programs to reduce and streamline government regulations.
7. February 1996 NSRP Panel 5 Project Status Report (San Diego, California)
8. March to April 1996: MARAD review of survey results and responses, including what issues MARAD is currently working on and how best to work with MARAD.
9. May to June 1996 Final report draft prepared by Levine & Fricke. Final report draft delivered at the June 27/28 NSRP Panel 5 meeting in Tacoma, Washington for final review.
10. June-September 1996 Incorporation of NSRP Panel 5 member's comments and issuance of approved final report prepared by Levine & Fricke to NSRP on September 30, 1996.

## 2.0 SURVEY METHODOLOGY

### 2.1 Written Survey Design and Initial Mailing

In May 1995, SouthWest Marine sent out the first round of 40 surveys designed to elicit responses from shipyard departments, including contracting, purchasing, environmental, health and safety, and accounting. After two months, nine shipyards had responded to the survey. On average, three departments at each shipyard responded to the written survey.

The project was idle from July to October 1995 because of staff layoffs at SouthWest Marine. In October 1995, SouthWest Marine subcontracted LevineŽFricke (San Diego) to complete the project.

Levine•Fricke staff reviewed the existing survey results. The first round of surveys elicited mostly general complaints about government agencies. Unfortunately, the first survey format did not favor specific answers.

### 2.2 Second Survey Mailing and Oral Interviews

In October 1995, Levine•Fricke mailed a second round of surveys to 25 private shipyards on the mailing list. Navy shipyards were eliminated from the list because the project focus was on commercial shipbuilding, not currently performed by Navy shipyards. Within two weeks after the second mailing, Levine•Fricke staff made telephone calls to the shipyards to check progress. Levine•Fricke found that the names and addresses on the mailing list provided by SouthWest Marine were not current. Almost half of the original names were incorrect because of changes in management, shipyard mergers, or other reasons. New letters and surveys were sent to the appropriate managers at each shipyard. There was only one written response to the second round of surveys. Appendix A presents a list of the 25 companies that were mailed written surveys.. A copy of the survey sent to shipyards is found in Appendix B

After presentation of the project status report at the NSRP Panel 5 meeting in Jacksonville, Florida, it was decided that LevineŽFricke change the survey methodology. Instead of writing survey responses, LevineŽFricke has instructed to call five shipyard managers to schedule oral telephone or in-person interviews. Levine•Fricke successfully contacted managers to interview at eight shipyards via telephone and at two shipyards in person. In accordance with the revised scope of work from the December, 1995 NSRP meeting, shipyard managers were asked about regulatory issues involving OSHA, EPA, MARAD, and the U.S. Coast Guard.

### 3.0 SURVEY RESULTS (WRITTEN AND ORAL INTERVIEWS)

#### 3.1 Differences in Responses to Written and Oral Interviews

The following is a summary of shipyard responses:

Written survey responses: 10 of 25 total shipyards responded

Oral interview surveys: 10 of 10 shipyards responded to interviews scheduled via telephone or in person at the manager's convenience

LevineŽ Fricke found a marked difference between the quality of responses given on a written survey versus an oral interview. Via telephone or in person, respondents gave very specific and detailed answers about specific government regulations. In written surveys, respondents gave very general answers with little specific information about actual government regulations. Respondents showed a strong interest in the project. In fact, everyone interviewed in person or via telephone was interested in receiving a final copy of the project report.

#### 3.2 Major Regulatory Issues

Although written survey comments were made about various items from Defense Contract Audit agency regulations to OSHA regulations, the majority of the comments can be grouped into the following five categories. After listing the major regulatory issues mentioned by shipyards, this report follows with a section describing what each agency is doing to resolve these regulatory matters. For each government agency, appropriate contact methods are listed so that shipyard managers may approach each agency individually, if desired, to discuss regulatory issues or to be proactive in the regulation-making process.

The top five regulatory issues as mentioned in both written and oral interviews are shown below:

##### 1. Health and Safety Training Requirements

- . EPA and OSHA overlap (e.g., lead and asbestos training)
- . Training should be standard for all shipyards and also be transferable; e.g., training goes with the individual or administered by the union; need to establish standard training programs throughout the industry for common health and safety training

##### 2. Government Regulatory Agencies Need to Be More User Friendly

- . Link regulations with economic incentive programs

- . Educate EPA on shipyard issues
- . Need system to systematically update shipyards on constant regulatory changes. Some systems are already in place, such as Federal Register, and regulatory CD-ROM products.

### 3. Electronic Regulatory Reporting

1 Create computer system to link government agencies with the regulatory community

- 1 Allow for electronic filing of reports and various required forms with adequate safeguards against abuses and to protect confidentiality.

### 4. COBRA Documentation and Streamlining of System Required

### 5. Improve access to MARAD's Activities for Shipyard Managers

Unfortunately, more than 70 percent of responses were general responses, with no specific suggestions of how to change current government regulations. This was likely a result of the survey design, with open-ended questions which typically elicit general responses.

## 3.3 Shipyard Regulatory Reporting Work Load

The survey found that in some shipyards, those handling regulatory matters were overwhelmed with reporting work. In some cases, regulatory reporting was allocated as a small percentage of a manager's time, when in fact the reporting entailed a full-time position. In such a case, the shipyard manager could not possibly keep up with required government regulatory reporting.

In addition, the oral interviews indicated that mid-level managers were very eager to work with government regulators to streamline and change various government regulations.

## 3.4 Communication Gap Found within Shipyard Management

Some survey results showed a communication gap between the CEO-level efforts to work with senior government regulators on regulatory change and the manager-level knowledge of these CEO level activities. For example, many shipyard managers had a specific EPA regulatory issue of concern. While visiting MARAD to discuss general regulatory issues, these particular EPA issues were mentioned. Senior MARAD officials stated that shipyard CEO's were discussing the EPA issues with MARAD and EPA senior officials. It was clear that the mid-level managers at some shipyards were not aware of the CEO-level regulatory discussions with government agencies. Mid-level

shipyard managers are in a position to provide significant input to CEOs on practical solutions to regulatory burdens in each shipyard.

#### **4.0 PRESIDENT CLINTON'S INITIATIVE TO REVITALIZE U.S. SHIPYARDS**

In 1995, President Clinton announced a Five-Part Plan to Strengthen American Shipyards and to compete in the international market. In a 1995 document issued by MARAD, the President's Five-Part Plan consists of the following parts:

1. Ensuring Fair International Competition
2. Improving Commercial Competitiveness with Maritech
3. Eliminating Unnecessary Government Regulation
4. Financing Ship Sales Through Title XI Loan Guarantees
5. Assisting International Marketing

A copy of MARAD's National Shipbuilding Initiative is found in Appendix C. In direct response to No. 3 (Eliminating Unnecessary Government Regulation) of this initiative, MARAD has been working with several government agencies to reduce or eliminate unnecessary government regulations and to reduce the overall regulatory burden.

Because Clinton's Five Part Plan to Strengthen American Shipyards directly mandates MARAD as the implementation agency, NSRP survey raw data were provided to MARAD in March 1996. MARAD quickly responded in providing significant information on which regulatory issues it had successfully changed or eliminated. Section 5.4 details MARAD's programs to assist shipyards in reducing government regulatory burden.

#### **5.0 FEDERAL GOVERNMENT PROGRAM TO "REINVENT GOVERNMENT REGULATIONS"**

In March 1995, President Clinton and Vice President Al Gore announced a program to expand the White House National Performance Review (NPR) initiatives to reinvent federal agency regulatory systems, reduce burdens, and make the regulatory process more open and results oriented. The Initiative was announced via a March 4, 1995 "White House Memorandum For Heads of Departments and Agencies; Subject: Regulatory Reinvention Initiative" (hereafter, "the Memorandum"). Appendix D presents a copy of this memorandum. The White House Initiative directed federal agencies to focus regulatory reform on the following four steps:

1. Cut Obsolete Regulations

The Memorandum ordered each agency to conduct a page-by-page review of all its regulations in the Code of Regulations and eliminate or revise those regulations that were outdated or otherwise in need of reform.

Z. Reward Results, Not Red Tape

The Memorandum directed each agency to change performance measurement systems to focus on results rather than process or punishment. For example, the EPA might focus on cleaner air rather than the number of citations issued and fines assessed.

The Memorandum states, "By no later than June 1, 1995, I direct you to (a) eliminate all internal personnel performance measures based on process (number of visits made, etc.) and punishment (number of violations found, amount of fines levied, etc.) and (b) provide to the National Performance Review staff a catalogue of the changes that you are making in existing internal performance evaluations to reward employees. You should also provide material describing shifts in resource allocation from enforcement to compliance." (White House Memorandum for Heads of Departments and Agencies, Re: Regulatory Reinvention Initiative, March 4, 1995, The White House, Washington, D. C.)

3. Get Out of Washington and Create Grass Roots Partnerships

The Memorandum directed agencies to "promptly convene groups consisting of front-line regulators and the people affected by their regulations. These conversations should take place around the country -- at our cleanup sites, our factories, our ports. I further direct you to submit a schedule of your planned meetings to the NPR staff by March 30, 1995 and work with NPR in following through on those meetings."

4. Negotiate, Do Not Dictate

This section of the White House memorandum is key to actually reinventing regulations. It mandates that Departments and Agencies "move from a process where lawyers and bureaucrats write volumes of regulations to one where people work in partnership to issue sensible regulations that impose the least burden without sacrificing rational and necessary protections."

Each Department and Agency was directed to expand substantially its efforts to promote consensus rule-making. Each agency was asked to submit to the Office of Information and Regulatory Affairs (OIRA), **no later than March 30, 1995, a list of upcoming** rule making that could be converted into negotiated rule-makings.

The Memorandum also stated, “I will amend Executive Order No. 12838 (which requires agencies to reduce the number of advisory committees that they use and to limit the future use of such committees) to allow for advisory committees established for negotiated rule makings.

The Memorandum also directed Departments and Agencies to “review all of your administrative ex parte rules and eliminate any that restrict communication prior to the publication of a proposed rule -- other than rules requiring the simple disclosure of the time, place, purpose and participants of meetings (as in Executive Order No. 12866).”

### 5.1 Federal Government Mandate - Agency/Department Efforts

As of July 1995, 28 agencies and departments reported their Regulatory Reinvention Plans and Progress to the White House’s NPR. Because of actual NSRP project scope and budget restraints, this report will only focus in detail on the progress and plans of the following four agencies:

- OSHA
- EPA
- MARAD, Department of Transportation
- U.S. Coast Guard

However, for those readers who wish to get details on other government agency Reinvention Plans and Progress Reports, the table on the following page lists resource contact telephone numbers for contacts at all 28 government agencies and departments that submitted a Regulatory Plan and Progress Report. Copies of the agencies’ Regulatory Plans and Progress Reports may be obtained from them.



| <b>Contact Information</b><br><b>1996 Federal Government Agency/Department Regulatory Reinvention Plans/Programs</b> |   |
|--|---|
| <b>Agency/Department</b>   | <b>Name/Telephone Number</b>              |
| Department of Agriculture  | Marvin Shapiro 202-720-1516               |
| Architectural and Transportation Barriers Board  | Clarissa Leonard 202-272-5434 ext. 714    |
| Department of Commerce   | Julie Rice 202-482-6006                   |
| Consumer Product Safety Commission   | Todd Stevenson 301-504-0785 ext. 1239     |
| Department of Defense, U.S. Army Corps of Engineers  | Michael Davis 202-761-0199                |
| Department of Education  | Jim Bradshaw 202-401-2310                 |
| Department of Energy   | Office of Rulemaking Support 202-586-5575 |
| Environmental Protection Agency  | Joe Retzer 202-260-2472                   |
| Farm Credit Administration   | Robert Orrick 703-883-4455                |
| Farm Credit System Insurance Corporation   | Alan Glenn 703-883-4380                   |
| Federal Communications Commission  | Nancy Comp 202-418-0442                   |
| Federal Housing Finance Board  | David Guy 202-108-2536                    |
| Federal Maritime Commission  | Joseph Polking 202-523-5725               |
| Federal Trade Commission   | Elaine Kolish 202-326-3042                |
| Department of Health and Human Services  | HHS Press Office 202-690-6343             |
| Department of Housing and Urban Development  | Mary Ellen Bergeron 202-707-0123          |
| Department of Interior   | Julie Folkner 202-208-5271                |
| Department of Justice  | Kevin Jones 202-514-4604                  |
| Department of Labor, including OSHA  | Michael Urquhart 202-219-7357             |
| Nuclear Regulatory Commission  | Beth Hayden 202-415-8200                  |
| Pension Benefit Guaranty Corporation   | Joseph Grant 202-326-4080                 |
| Securities and Exchange Commission   | Diane Campbell 202-942-4300               |
| Small Business Administration  | Ron Matzner 202-205-6642                  |
| Social Security Administration   | Toni Lemane 410-965-7767                  |
| Department of State  | Mary Beth West 202-647-5154               |
| Department of Transportation   | Neil Eisner 202-266-4723                  |
| Department of Treasury   | Chris Peacock 202-622-2930                |
| Department of Veteran Affairs  | Tom Gessel 202-565-7625                   |

## 5.2 Occupational Safety and Health Administration (OSHA)

One of the first government agencies to issue its Regulatory Reform Plan was OSHA, on May 16, 1995. It is important to note that OSHA, in conjunction with NSRPs Occupational Safety and Health Panel, has set up the Maritime Advisory Committee for Occupational Safety and Health (MACOSH) to work jointly with OSHA officials and shipyard management to improve OSHA regulations and lessen any unnecessary OSHA regulatory burdens facing the shipyards. This new, open working relationship between shipyards, unions, and OSHA can serve as a model of effective communication and rule-making for the shipbuilding industry and other agencies, such as EPA and the Coast Guard. During the first year of MACOSH, both OSHA and shipyard managers reported very favorably on MACOSH activities.

**One shipyard interviewed claimed to have had its Workers' Compensation costs drop from \$2 million to \$20-30,000 in 18 months by implementing an OSHA supported health and safety program through a university consultation program.**

### 5.2.1 OSHA's Regulatory Reform Program (May 16, 1995)

A summary of OSHA's Regulatory Reform Program follows:

#### Principles for Regulatory Reform

1. Save lives, prevent workplace injuries and illnesses, and protect the health of American workers.
2. Seek and expect implementation of hazard control strategies based upon primary prevention whenever possible.
3. Initiate strategic, public-private partnerships to identify and encourage the spread of industry best practices to solve national problems.
4. Promote employer commitment and meaningful employee participation and involvement in safety and health programs.
5. Make all safety and health services, resources, rules, and information readily accessible and understandable to employees, employers, and OSHA staff.
6. Be a performance-oriented, data driven organization that seeks results rather than activity and process emphasis. OSHA's programs must be judged on their success at eliminating hazards and reducing injuries and illnesses.

"As part of the regulatory program,

OSHA 01 Nationally Expand the "Maine 200" Concept of Partnering With Employers With the Most Workplace Injuries and Illnesses to Develop Effective Safety Programs.

OSHA 02 Conduct Focused Inspections for Employers With Strong and Effective Safety and Health Programs

- OSHA 03 Create Incentives for Employers With Safety and Health Programs
- OSHA 04 Promote Employee Participation in Safety and Health Efforts
- OSHA 05 Work With Stakeholders to Identify the Leading Causes of Workplace Injury and Illness to Develop a Priority Planning Process
- OSHA 06 Focus on Key Building Block Rules and Eliminate or Fix Confusing and Out-of-Date Standards
- OSHA 07 Request the Establishment of a Working Group on Hazard Communication and the Right to Know
- OSHA 08 Use Alternative Approaches to Address Public Concerns About Ergonomically Related Hazards in the Workplace
- OSHA 09 Establish Involvement in Industry Sectors With Emerging Safety and Health Needs
- OSHA10 Reengineer the Structure and Operation of Field Offices to Better Serve Customers
- OSHA 11 Strengthen OSHA's Partnership With State Programs
- OSHA 12 Expand Incentives for Correcting Hazards Quickly
- OSHA 13 Improve OSHA's Inspection Targeting Systems
- OSHA 14 Provide Safety and Health Information to the Public Electronically
- OSHA 15 Develop a Performance Measurement System That Focuses on Results.

### 5.2.2 OSHA Shipyards Issues and MACOSH Activity Regarding These Issues

The following is a list of issues mentioned by shipyard managers doing the survey as priority concerns, and the action being undertaken by the regulatory agency.

| Shipyard Issue  | OSHA/MACOSH Action   |
|---|--|
| OSHA required training costs are expensive to shipyards due to high turnovers, changing standards, and the need to retrain new hires even if they have previous training at another yard. | MACOSH and other NSRP panels developing standard training programs.                          |
| OSHA regulators should act in consultation, rather in compliance.   | OSHA program provides for OSHA consultations to improve compliance and correct deficiencies. |
| OSHA inspectors need more knowledge of shipyard issues.   | MACOSH committee working to increase OSHA knowledge of shipyard issue.                       |
| Workers' Compensation assigned risk pool provides no incentive to improve.  | MACHOSH working on Workers' Compensation issues.   |

### 5.2.3 OSHA Regulatory Contact

The OSHA contact for shipyard issues is Mr. Larry Liberatore, who is working closely with MACOSH. Shipyard managers who want to know more about MACOSH activities or become involved in MACOSH activities should contact Mr. Liberatore at the contact below.

Mr. Larry Liberatore

Director, Maritime Standards  
Occupational Safety and Health Administration

Room N 3621

200 Constitution Avenue, N.W.  
Washington, D.C.  
Tel: 202-219-7234

Fax: 202-219-7477

### 5.3 EPA

#### 5.3.1 EPA's Regulatory Reform Program

The EPA's major Regulatory Reform Programs were announced in a March 1995 document titled "Reinventing Environmental Regulation" issued by President Bill Clinton and Vice President Al Gore. A full copy of the document can be found in Appendix E.

The "Reinventing Environmental Regulation" document describes 25 high-priority actions for the EPA. These 25 high priority actions are shown below.

| Area for Improvement                      | High Priority EPA Action   |
|---|--|
| Performance- and Market-Based Regulations | 1. Open-market air emissions trading: EPA will issue an emissions trading rule for smog-creating pollutants.   |
|   | 2. Effluent trading in watersheds: EPA will place top priority on promoting use of effluent trading to achieve water-quality standards.  |
| Setting Priorities Based on Sound Science | 3. Refocus RCRA on high-risk wastes: Reform RCRA to allow low-risk wastes to exit the system and establish a new "common sense" definition of solid waste to simplify industry compliance.   |
|   | 4. Refocus drinking water treatment requirements on highest health risks: Focus drinking water program on the highest risks, ask for a delay in court-ordered schedules for Maximum Contaminant Levels, simplify monitoring requirements, and encourage voluntary treatment. |
|   | 5. Expand use of risk assessment in local communities: Provide risk assessment computer software to local governments, small business, and local citizens.   |
| Building Partnerships                     | 6. Flexible funding for states and tribes: EPA will provide an option for state and tribal governments to combine their existing grant funds and target funds to specific needs.   |
|   | 7. Sustainable development challenge grants: EPA will establish a new competitive grant to encourage local formation of place-based flexible approaches that link place-based environmental management with sustainable economic development.                                |

| Area for Improvement                               | High Priority EPA Action   |
|--|--|
|  | 8. Regulatory negotiation and consensus-based rule-making: EPA will identify candidates for negotiated rule-making and use the Common Sense Initiative Process to help target these candidates.  |
| Cutting Red Tape                                   | 9. Twenty-five percent reduction in paperwork EPA will reduce reporting and record keeping by 25 percent beginning with local government and small business.   |
|  | 10. One-stop emissions reporting: EPA will create a consolidated system for routine emissions reporting that will substantially reduce the multitude of reporting forms.   |
|  | 11. Consolidated federal air rules (one-industry-one rule): For any single industry all federal air rules will be incorporated into a single rule with one set of emissions limitations, monitoring, record keeping, and reporting requirements, starting with the chemical industry.  |
| Better Accountability, Compliance, and Enforcement | 12. Risk-based enforcement: EPA will target enforcement actions against significant violations that present the greatest environmental and health risks.   |
|  | 13. Compliance incentives for small businesses and communities: EPA will allow small businesses and communities that are minor sources of pollution a grace period of six months or longer to correct violations identified by federal or state compliance assistance programs. No penalties or enforcement actions will be assessed for any violations that are discovered and corrected. |
|  | 14. Small business compliance assistance centers: EPA will develop national customer centers for six small business sectors (including printing, metal finishing, and auto service stations) that will assist small businesses through plain English guides to compliance, electronic access to information pollution prevention, paperwork reduction, and consolidated reporting.         |
|  | 15. Incentives for auditing, disclosure, and correction EPA will provide incentives, through reduced penalties, for companies that perform voluntary environmental audits and agree to correct violations.   |
|  | 16. Self Certification EPA will encourage compliance through self certification for environmental requirements not associated with emissions or significant risk. EPA will begin with a self certification program for pesticide registrants.  |

| Area for Improvement                     | High Priority EPA Action   |
|--|--|
| <b>The Power of Information</b>          | 17. Public Electronic Access: EPA will make information from all its programs available through the Internet and other electronic means that can be accessed directly from homes, schools, and libraries.  |
|  | 18. Center for environmental information and statistics: EPA will establish a new agency-wide center charged with assessing, consolidating, and disseminating information on ways to improve compliance.   |
| Alternative Performance Based Strategies | 19. Project XL EPA will provide a limited number of companies the opportunity to demonstrate excellence and leadership by giving them the flexibility to replace the requirements of the current system at specific facilities with an alternative strategy of superior environmental performance.   |
|  | 20. Alternative strategies for sectors: EPA will identify the feasibility of using industry agreements as a compliment to or replacement for the current system. Establish industry and facility environmental requirements through “covenants” with industries in an industrial sector. Industry goals for emissions reductions would be established in those covenants, and facilities would have extreme flexibility on how to meet the goals. Two to four industrial sectors will be chosen, with Common Sense Initiative sectors given the first opportunity. |
|  | 21. Alternative Strategies for communities: EPA will support the development and implementation of community-driven strategies to integrate environmental quality and economic development goals through a small number of pilots that build on the experience gained in the administration’s Empowerment Zone and Ecosystem Management Initiatives.   |
|  | 22. Alternative strategies for agencies: EPA will demonstrate alternative environmental strategies--that lower cost and produce greater environmental quality--at selected DOD installations.  |
| Tools for Industry and Government        | 23. Third Party Audits for industry compliance: EPA will test the use of certified, private sector firms to audit industry performance through EPA’s Environmental Leadership pilot projects with specific companies.  |
|  | 24. Multi-media Permitting: EPA will pilot test “one-stop” permitting to address all environmental releases at a facility and use performance-based approaches to ensure environmental protection, encourage pollution prevention, minimize duplication and delay, and allow low-cost solutions.   |

| Area for Improvement | High Priority EPA Action  |
|----------------------|---|
|                      | <b>25.</b> Design for Environment - green chemistry challenge: EPA proposes that the Agency and the chemical industry work together to jointly sponsor national awards for companies that develop pollution prevention processes for chemical production and use. |

### 5.3.2 Shipyard Environmental Compliance Issues and EPA Actions

| Shipyard Issue                                  | EPA Actions  |
|---|--|
| Excessive documentation                         | EPA is reviewing all documentation requirements and investigating elimination of certain reports.  |
| Need for electronic filing                      | EPA's Information Systems Section is currently developing electronic data filing systems.  |
| Storm-water permitting too strict for shipyards | EPA developed a Specific Sector R Permit Program for Ship and Boat Building Facilities).   |
| EPA and OSHA regulations overlap                | EPA staff is checking which EPA and OSHA regulations overlap. MACOSH is not addressing these issues yet.   |
| EPA does not understand shipbuilding            | EPA's Office of Water staff welcome information from shipyards to explain shipbuilding's unique environmental needs for specific regulations. See contact information following. |

### 5.3.3 EPA Regulatory Reform Contacts

The EPA is actively looking for industry input on revisions of key regulations and on the above 25 action areas. The EPA's Office of Water staff stated that they visited some shipyards for consultations and advice in drafting various regulations. **EPA staff who draft regulations were very clear in letting the industry know that they work separately from enforcement staff.** A list of the contacts for major EPA programs follows:

For Water Regulations:

Regulatory Coordination Staff  
 Attention Cynthia Puskar  
 Office of Water (Mail Code: 4102)  
 US-EPA  
 401 M Street, SW  
 Washington, D.C. 20460



For Pesticide/Toxics Regulations

Regulatory Coordination Staff  
 Attention Pesticides or Toxics (whichever is appropriate)  
 Office of Prevention, Pesticides, and Toxic Substances  
 US-EPA (Mail Code: 7101)  
 401 M Street, SW  
 Washington, D.C. 20460

For Office of Solid Waste and Emergency Response (OSWER) Regulations

Regulatory Coordination Staff c/o Barbara Hostage  
 Office of Solid Waste and Emergency Response  
 US-EPA (Mail Code: 5103)  
 401 M Street, SW  
 Washington, D.C. 20460

For Air Regulations

Regulatory Coordination Staff  
 Attention: Maureen Delaney  
 Office of Air and Radiation  
 US-EPA (Mail Code: 6101)  
 401 M Street, SW  
 Washington, D.C. 20460

The majority of the environmental issues noted by the shipyard surveys are, in fact, being addressed by various EPA departments.

#### 5.4 Maritime Administration, Department of Transportation

##### 5.4.1 MARAD's Regulatory Reform Program and National Shipbuilding Initiative

The Maritime Administration's Office of Shipyard Revitalization has been working with both the U.S. Coast Guard, the U.S. EPA and OSHA to reduce the regulatory burden on U.S. shipyards. According to the Office of Shipyard Revitalization, they are working with senior-level shipyard executives on various regulatory issues. The mission of the Office of Shipyard Revitalization follows.

"Facilitate U.S. shipbuilding/repair/supply industry interface with the government on National Shipbuilding Initiative" and "One-Stop Shopping." Source: Maritime Administration National Shipbuilding Initiative Presentation.

#### 5.4.2 Shipyard MARAD Regulatory Issues and MARAD Activity

MARAD officials informed Levine•Fricke that they are working closely with shipyards on regulatory reform issues. Thus, MARAD's Office of Shipyard Revitalization asked for a copy of the survey data, which Levine•Fricke sent in March 1996. In April, MARAD responded with detailed information showing that many regulatory issues mentioned in shipyard surveys were being worked on by MARAD officials. The last survey responses were gathered in December 1995. Some of the MARAD activities regarding regulatory reform may not have been communicated to the mid-level managers at shipyards.

MARAD's main suggestion was that shipyards identify more specific issues, not just general regulatory issues. This will help MARAD represent the shipyards in their role as liaison between other government agencies to reduce regulatory burden.

#### 5.4.3 MARAD Regulatory Reform Contacts

The main contact for MARAD regulatory reform issues follows:

Mr. Joseph Byrne  
Office of Shipyard Revitalization  
Maritime Administration  
MAR-750 Room 7326  
400 Seventh Street, SW  
Washington, D.C. 20590  
Tel: 202-366-1931

### 5.5 U.S. Coast Guard

#### 5.5.1 Coast Guard Regulatory Reform Programs

The U.S. Coast Guard has taken steps to centralize information about regulatory reform by creating the Marine Safety Newsletter. This newsletter is published monthly by the National Maritime Center's Office of Marine Safety, Security and Environmental Protection. A sample copy of the January 1996 Marine Safety Newsletter is found in Appendix F. As of January 1996, the newsletter's editor was Ms. Cheryl Robinson

Point of Contact: Ms. Cheryl Robinson, Editor  
Tel: 703-235-1604  
Fax: 703-235-1062  
E-mail: Cheryl.Robinson/NMC@CGSMTP. USCG.MIL

**A shipyard can receive the newsletter monthly or submit material for consideration by contacting the following address:**

Marine Safety Newsletter Editor  
National Maritime Center  
4200 Wilson Blvd., Suite 510  
Arlington, VA 22203-1804  
Tel: 703-235-1574  
Fax: 703-235-1062

**In addition, more information about the National Maritime Center can be found on the Internet at the following address:**

<http://www.starsfotware.com/uscgnmc/nmc/>

Other activities of the National Maritime Center are:

- 1 Marine Industry Standards Library
- 1 Promoting Voluntary Consensus Standards
- 1 Training and Seminars
- . Facilitation for ISO 9000 Registration
- . Guideline Specifications

**The Coast Guard's internal legal staff are in charge of drafting new Coast Guard regulations. New regulations will be published in draft form in the Federal Register. The National Maritime Center will also inform shipyards of the draft regulations via its newsletter. Shipyards can send comments on the draft regulations to the Coast Guard. The Coast Guard takes into account all comments while writing the final regulations. During this comment stage, the Coast Guard may contact a shipyard for clarification or have questions considering the comments submitted about the draft regulation.**

#### **5.5.2 Coast Guard Actions Regarding Shipyards' Regulatory Concerns**

The majority of the shipyard's issues regarding the Coast Guard have already been addressed by Coast Guard action. Following are shipyard issues regarding the Coast Guard, along with the Coast Guard's regulatory programs. It appears that the Coast Guard was working on the regulatory issues when the shipyard managers made the specific comments.

| <b>Shipyard Issue - Coast Guard</b>   | <b>Coast Guard Regulatory Revision Program Addressing the Issue</b>  |
|---|--|
| Coast Guards Inspector “Know their business” for environmental inspections          | No need to revise.   |
| Coast Guard Officials Change Too Often  | It is difficult to change the rotation system of rotating inspectors every 3-4 years.  |
| US Coast Guard And ABS Inspections Overlap (outdated comment, problem resolved)     | U.S. Coast Guard handed over inspection authority to ABS in 1995 as part of streamlining and simplifying of regulations.   |
| US Coast Guard takes too long to approve drawings.                                  | Coast Guard is changing the rules so that no regulation from the Coast Guard is more stringent than the IMO regulation or ABS (American Bureau of Shipping) requirement. |
| U.S. Coast Guard needs to simplify processes and make information easily available. | Coast Guard initiatives and outreach programs are in place (1996) to explain to industry their efforts to reduce the number of required reports.                         |

#### 5.5.2 Coast Guard Regulatory Reform Contacts

Shipyard officials should first discuss Coast Guard regulatory reform issues via MARAD’s Office of Shipyard Revitalization (Mr. Joseph Byrne). For more information on specific Coast Guard regulations that have been issued in draft format, contact:

National Maritime Center  
 4200 Wilson Blvd., Suite 510  
 Arlington, Virginia 22203-1804  
 Tel: 703-235-1574  
 Fax: 703-235-1062

## 6.0 CONCLUSIONS REGARDING GOVERNMENT REGULATORY BURDENS

- Shipyard managers claim to be overburdened with reporting requirements. There is a common need for electronic reporting and a need to reduce unnecessary reporting.
- Many shipyard managers have difficulty setting up systems to track reporting requirements for regulatory issues. A shipyard-specific computer-based software system to track regulatory reporting requirements would be very helpful. There are many software systems on the market; systems include software training.

- Shipyard mid-level managers want input in the drafting of new regulations which affect shipyards or shipyard competitiveness.
- Regulatory agencies are working to streamline overlapping regulations. The Coast Guard publishes information on current regulatory reforms that may effect shipyards. This information is available from the Marine Inspection Offices of the Coast Guard or from Coast Guard Headquarters in Washington, D.C.
- MARAD's Office of Shipyard Revitalization is taking the lead in working with OSHA, EPA, and the Coast Guard regarding regulatory reform. **It is very important for individual shipyard managers and CEOs to communicate their input to MARAD's Office of Shipyard Revitalization.** The main contact follows:

Mr. Joe Byrne, Director  
Office of Shipyard Revitalization  
Maritime Administration  
MAR-750 Room 7326  
400 Seventh Street, SW  
Washington, D.C. 20590  
Tel: 202-366-1931

## 7.0 RECOMMENDATIONS FOR FUTURE SHIPYARD SURVEY METHODOLOGY

- Surveys are best if conducted in person or via the telephone. A written list of survey questions should be sent to the respondent before the in-person or telephone interview.
- Written surveys should be designed to elicit information to facilitate prioritization of issues of concern and should be directed to the industry CEO's by a formal letter from the NSRP Chairman to ensure better response from shipyard managers.

## 8.0 FOLLOW-UP RECOMMENDATIONS REGARDING REGULATORY REFORM AT SHIPYARDS

Do not fragment industry inputs on regulations to government agencies. The shipbuilding repair industry should set up a system to elicit an agreed upon agenda for regulatory changes, and submit those recommendations to the corresponding agencies. This will avoid a fragmented approach.

- Appoint a contact at each shipyard who will follow and (if willing) participate in MARAD's and the U.S. Coast Guards efforts to reduce regulatory burden on U.S. shipyards.
- Distribute a copy of this report to all mid-level managers who participated in the written and oral surveys. This report may be useful reference document for new

- . Encourage shipyard managers to work with top management to address regulatory issues with appropriate government agencies.
- 1 Explore options for NSRP panels to serve as a liason between MARAD and shipyards on regulatory reform issues.
- 1 Apply NSRP resources to explore regulatory mechanisms to allow employee training on OSHA and other standards to be recognized from one shipyard to another.
- . An example of a success story is Labor Secretary Robert Reich's efforts to establish the MACOSH Committee to address the shipbuilding industry's health and safety issues. According to the participants, this forum has been a very successful example of a team approach and can serve as a model for other industry-agency interactions. It is recommended that agencies wanting additional information contact Mr. Larry Liberatore at OSHA.

# APPENDIX A

## **APPENDIX A**

### **SHIPYARD SURVEY RECIPIENT LIST**



## APPENDIX A SHIPYARD SURVEY RECIPIENT LIST

Atlantic Marine, Mobile, Alabama

Atlantic Marine, Jacksonville, Florida

Avondale Industries, New Orleans, Louisiana

Bath Iron Works, Portland, Maine

Bay Shipbuilding Corporation, Sturgeon Bay, Wisconsin

Bender Shipbuilding & Repair, Mobile, Alabama

Cascade General, Portland, Oregon

Detco Marine, Newport Beach, California

Detyers Shipyard, Mt. Pleasant, South Carolina

Jacksonville Shipyards, Jacksonville, Florida

Knight & Carver, San Diego, California

Lake Union Drydock Company, Seattle, Washington

Master Marine, Bayou La Batr. Alabama

McDermott Marine Construction, Morgan City, Louisiana

National Steel & Shipbuilding, San Diego, California

Newport News Shipbuilding, Newport News, Virginia

Nielson Beaumont Marine, San Diego, California

Norfolk Shipbuilding & Drydock, Norfolk, Virginia

North American Shipbuilding, Galliano, Louisiana

Pacific Ship Repair & Fabrication, San Diego, California

Peterson Builders, Sturgeon Bay, Wisconsin

Tacoma Boatbuilding Company, Tacoma, Washington

Tampa Shipbuilding Company, Tampa, Florida

Todd Pacific Shipyards, Seattle, Washington

## APPENDIX B

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## APPENDIX B

### ORIGINAL WRITTEN SURVEY

GOVERNMENT REGULATIONS SURVEY  
NSRP PROJECT: N5 -94-3

**CONTRACTS DEPARTMENT QUESTIONNAIRE**

The following information is needed for a National Shipbuilding Research Project aimed at correcting financial and time constraint burdens placed upon the Commercial Shipbuilding/Repair Industry. This information that you provide will be used to create strategies for approaching Federal Regulatory Agencies to correct these cost intensive obligations. Please take the time to provide accurate and useful information. Your input is needed and greatly appreciated. Attach additional sheets if necessary to complete your answers to the below listed questions.

1. Of the problems you have experienced, with government regulations, in your field, which of the following results in the greatest expenditures:

- ☐ **Overlapping reporting requirements**
- ☐ **Record keeping requirements**
- ☐ **Constant change of regulations**
- ☐ **Permitting requirements**
- ☐ **Slow response by government agencies**
- ☐ **Other,**

**Explain:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. If you were in charge of regulating your specific realm of the Commercial Shipbuilding Industry, for the Federal Government, what would be your top three priorities of change?

A. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Please list the federal agencies which (directly or indirectly) regulate occupation of which you are involved:**

**4. Estimate as accurately as possible, the percentage of your departments annual budget used strictly to maintain compliance with federal government regulations:**

**5. Of the agencies that regulate your field, which has the most efficient approach and why?**

**6. Which agency has the most inefficient approach and why?**

**7. Would you or anyone in your department be interested in being considered as” a potential Government Regulation Reform Committee member?**

**If so, please provide your name and contact information.**

**8. Are you aware of any similar studies performed, regarding these matters?**

9. Please provide any additional information you feel is applicable.

**GOVERNMENT REGULATIONS SURVEY  
NSRP PROJECT: N5 -94-3**

**PRODUCTION DEPARTMENT QUESTIONNAIRE**

The following information is needed for a National Shipbuilding Research Project aimed at correcting financial and time constraint burdens placed upon the Commercial Shipbuilding/Repair Industry. This information that you provide will be used to create strategies for approaching Federal Regulatory Agencies to correct these cost intensive obligations. Please take the time to provide accurate and useful information. Your input is needed and greatly appreciated. Attach additional sheets if necessary to complete your answers to the below listed questions.

1. Of the problems you have experienced, with government regulations, in your field, which of the following results in the greatest expenditures:

- ☐ **Overlapping reporting requirements**
- ☐ **Record keeping requirements**
- ☐ **Constant change of regulations**
- ☐ **Permitting requirements**
- ☐ **Slow response by government agencies**
- ☐ **Other,**

**Ex p a n** \_\_\_\_\_  
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2. If you were in charge of regulating your specific realm of the Commercial Shipbuilding Industry, for the Federal Government, what would be your top three priorities of change?

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C. \_\_\_\_\_  
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3. Please list the federal agencies which (directly or indirectly) regulate the occupation of which you are involved:

4. Estimate as accurately as possible, the percentage of your departments annual budget used strictly to maintain compliance with federal government regulations:

5. **Of the agencies** that regulate your field, which has the most efficient approach and why?

6. **Which agency has the most inefficient approach and why?**

7. **Would you or anyone** in your department be interested in being considered as a potential Government Regulation Reform Committee member?

If so, please provide your name and contact information.

8. Are you aware of any similar studies performed, regarding these matters?



**9. Please provide any additional information you feel is applicable.**

GOVERNMENT REGULATIONS SURVEY  
NSRP PROJECT: N5 -94-3

**SAFETY DEPARTMENT QUESTIONNAIRE**

The following information is needed for a National Shipbuilding Research Project aimed at correcting financial and time constraint burdens placed upon the Commercial Shipbuilding/Repair Industry. This information that you provide will be used to create strategies for approaching Federal Regulatory Agencies to correct these cost intensive obligations. Please take the time to provide accurate and useful information. Your input is needed and greatly appreciated. Attach additional sheets if necessary to complete your answers to the below listed questions.

1. Of the problems you have experienced, with government regulations, in your field, which of the following results in the greatest expenditures:

- ☐ Overlapping reporting requirements
- ☐ Record keeping requirements
- ☒ Constant change of regulations
- ☐ Permitting requirements
- ☐ Slow response by government agencies
- ☐ Other,

Explain: \_\_\_\_\_  
\_\_\_\_\_  
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2. If you were in charge of regulating your specific realm of the Commercial Shipbuilding Industry, for the Federal Government, what would be your top three priorities of change?

A. \_\_\_\_\_  
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B. \_\_\_\_\_  
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C. \_\_\_\_\_  
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**3. Please list the federal agencies which (directly or indirectly) regulate occupation of which you are involved:**

**4. Estimate as accurately as possible, the percentage of your departments annual budget used strictly to maintain compliance with federal government regulations:**

**5. Of the agencies that regulate your field, which has the most efficient approach and why?**

**6. Which agency has the most inefficient approach and why?**

**7. Would you or anyone in your department be interested in being considered as a potential Government Regulation Reform Committee member?**

**If so, Please Provide your name and contact information.**

**8. Are you aware of any similar studies performed, regarding these matters?**

9. Please **provide any additional information** you feel is applicable.

GOVERNMENT REGULATIONS SURVEY  
NSRP PROJECT: N5 - 94 -3

**ENVIRONMENTAL DEPARTMENT QUESTIONNAIRE**

The following information is needed for a National Shipbuilding Research Project aimed at correcting financial and time constraint burdens placed upon the Commercial Shipbuilding/Repair Industry. This information that you provide will be used to create strategies for approaching Federal Regulatory Agencies to correct these cost intensive obligations. Please take the time to provide accurate and useful information. Your input is needed and greatly appreciated. Attach additional sheets if necessary to complete your answers to the below listed questions.

1. Of the problems you have experienced, with government regulations, in your field, which of the following results in the greatest expenditures:

- ☐ Overlapping reporting requirements
- ☐ Record keeping requirements
- ☐ Constant change of regulations
- ☒ Permitting requirements
- ☐ Slow response by government agencies
- ☐ Other,

**Exp a n** \_\_\_\_\_  
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2. If you were in charge of regulating your specific realm of the Commercial Shipbuilding Industry, for the Federal Government, what would be your top three priorities of change?

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B. \_\_\_\_\_  
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\_\_\_\_\_

C. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Please list the federal agencies which (directly or indirectly) regulate the occupation of which you are involved:**

**4. Estimate as accurately as possible, the percentage of your departments annual budget used strictly to maintain compliance with federal government regulations:**

**5. Of the agencies that regulate your field, which has the most efficient approach and why?**

**6. Which agency has the most inefficient approach and why?**

**7. Would you or anyone in your department be interested in being considered as a potential Government Regulation Reform Committee member?**

**If so, please provide your name and contact information. -**

**8. Are you aware of any similar studies performed, regarding these matters?**

**9. Please provide any additional information you feel is applicable.**

**GOVERNMENT REGULATIONS SURVEY**  
**NSRP PROJECT: N5 -94-3**

**PLANNING/ESTIMATING DEPARTMENT**  
**QUESTIONNAIRE**

The following information is **needed** for a National Shipbuilding Research Project aimed at correcting financial and time constraint burdens placed upon the Commercial Shipbuilding/Repair Industry. This information that you provide will be used to create strategies for approaching Federal Regulatory Agencies to correct these cost intensive obligations. Please take the time to provide accurate and useful information. Your input is needed and greatly appreciated. Attach additional sheets if necessary to complete your answers to the below listed questions.

1. Of the problems you have experienced, with government regulations, in your field, which of the following results in the greatest expenditures:

- ☐ Overlapping reporting requirements
- ☐ Record keeping requirements
- ☐ Constant change of regulations
- ☐ Permitting requirements
- ☐ Slow response by government agencies
- ☐ Other,

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. If you were in charge of regulating your specific realm of the Commercial Shipbuilding Industry, for the Federal Government, what would be your top three priorities of change?

A. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



C. \_\_\_\_\_  
\_\_\_\_\_

**3. Please list the federal agencies which (directly or indirectly) regulate the occupation of which you are involved:**

**4. Estimate as accurately as possible, the percentage of your departments annual budget used strictly to maintain compliance with federal government regulations:**

**5. Of the agencies that regulate your field, which has the most efficient approach and why?**

**6. Which agency has the most inefficient approach and why?**

**7. Would you or anyone in your department be interested in being considered as a potential Government Regulation Reform Committee member?**

If so, please provide your name and contact information.

**8. Are you aware of any similar studies performed, regarding tl matters?**

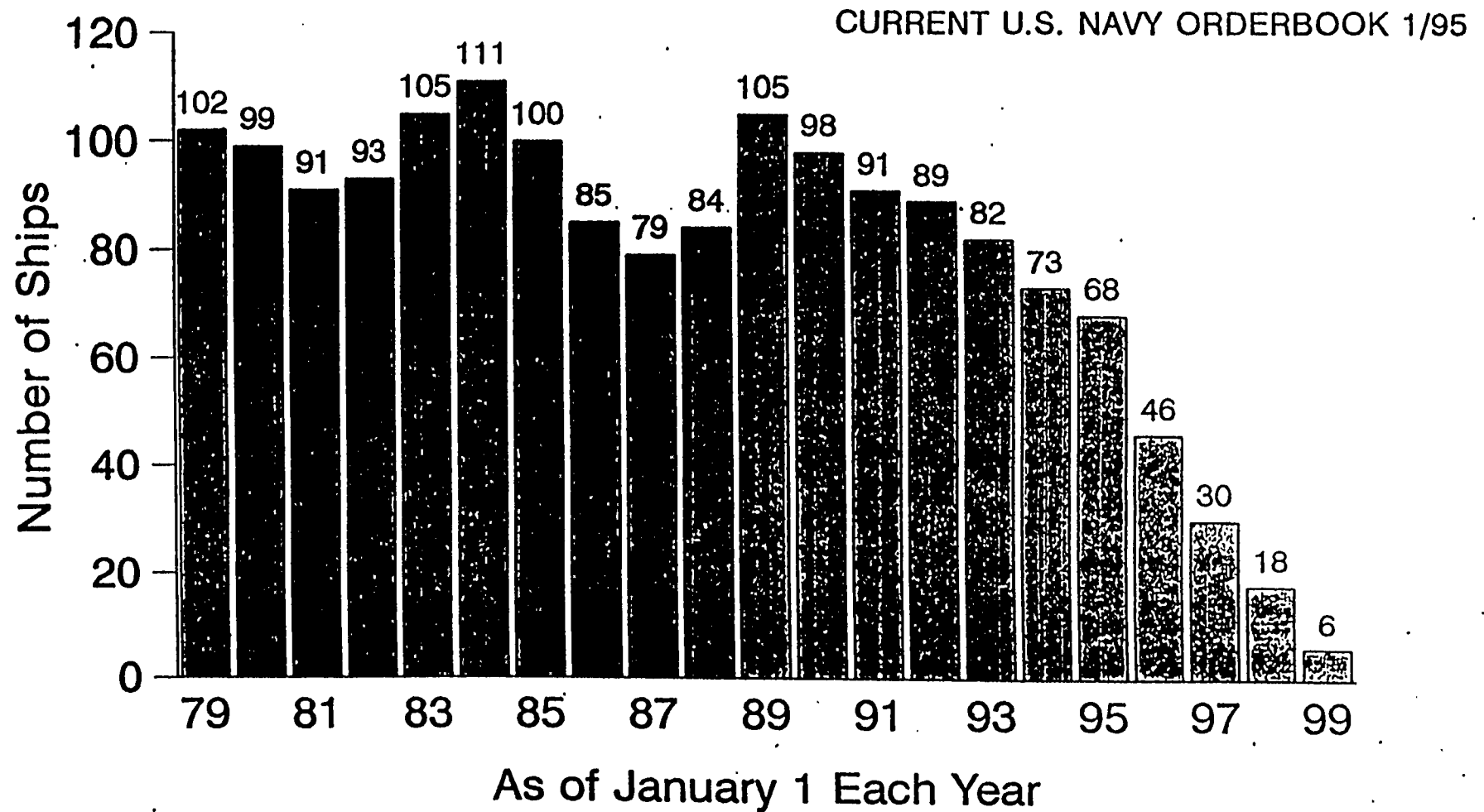
**9. Please provide any additional information you feel is applicable.**

## APPENDIX C

## APPENDIX C

### MARAD'S (1995) NATIONAL SHIPBUILDING INITIATIVE

# PROBLEM: U.S. NAVAL VESSEL CONSTRUCTION ON DECLINE



Ships under Construction or on Order at U.S. Private Shipyards  
1,000 Light Displacement Tons and Over  
Source: Shipbuilders Council of America

# MARITIME ADMINISTRATION

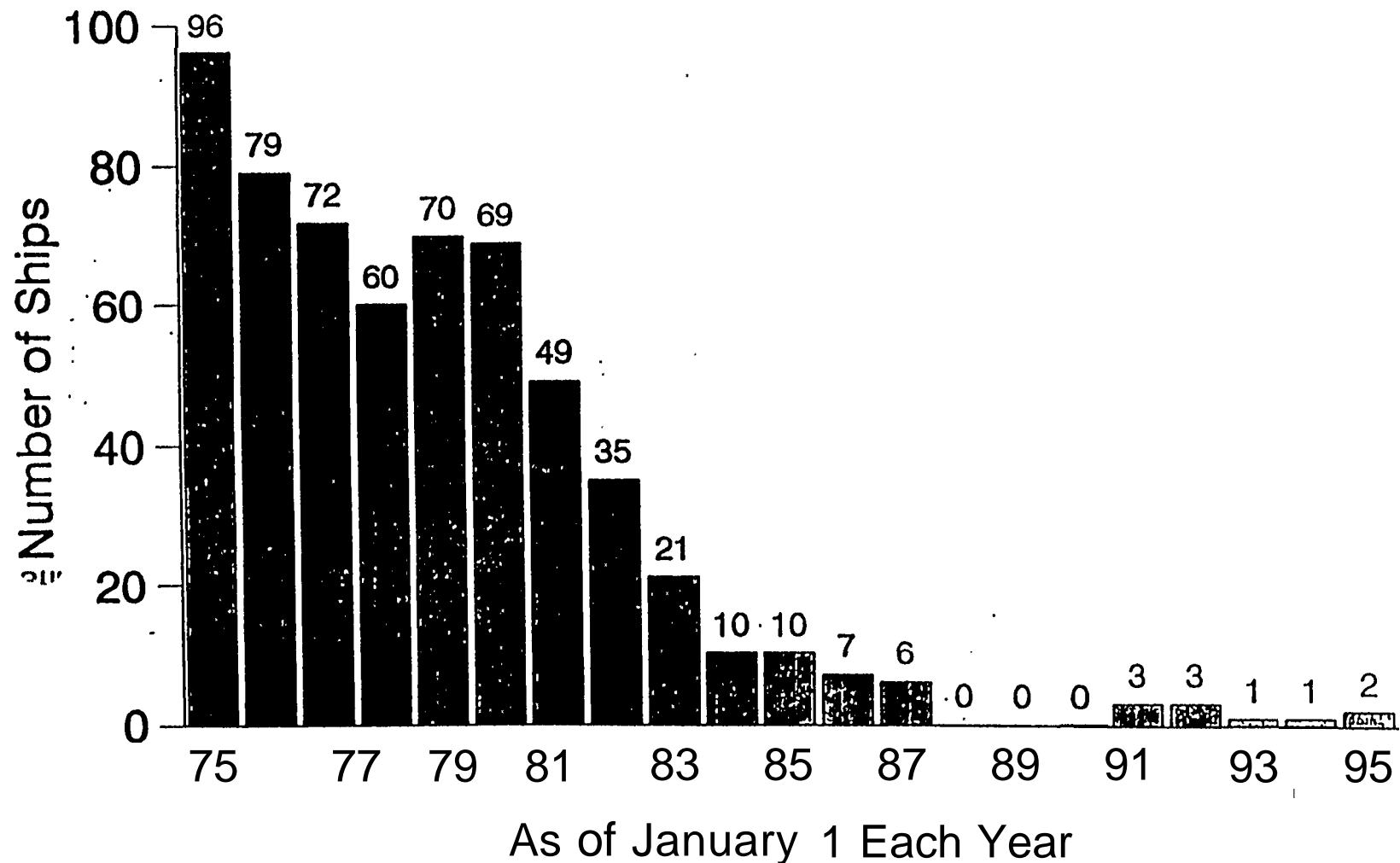


*NATIONAL SHIPBUILDING INITIATIVE*

1050

# PROBLEM: COMMERCIAL U.S. SHIPBUILDING NOT MAJOR COMPETITOR INTERNATIONALLY

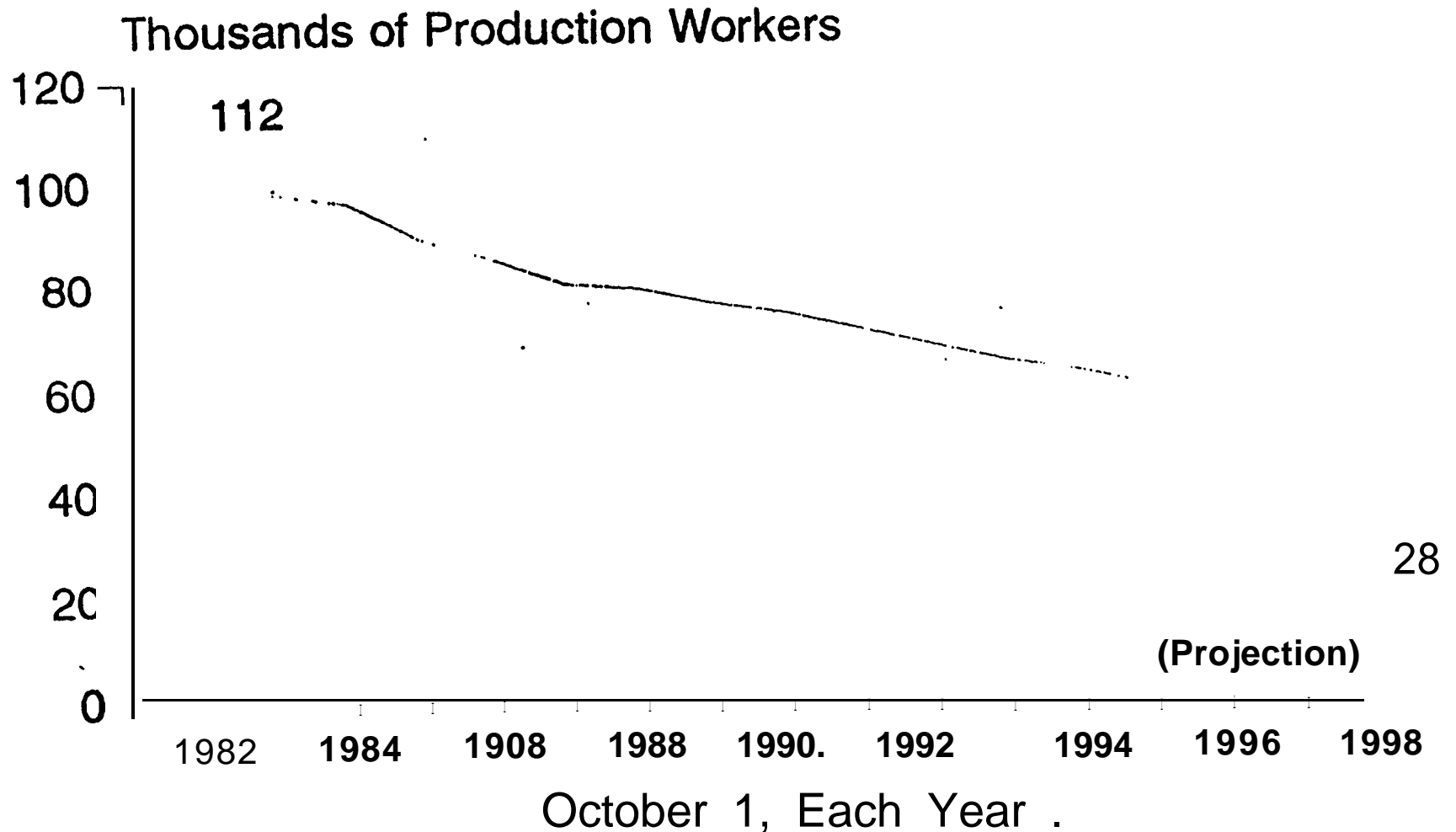
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Ships under Construction or on Order at U.S. private Shipyards  
1,000. Gross Tons and Over  
Source: Shipbuilders Council of America

# PROBLEM: U.S. SHIPBUILDING MANPOWER BASE ERODING

---



Source: Shipbuilders Council of America



# RELIEF IN SIGHT?

## WORLD SHIPS ON ORDER\*/PROJECTED\*\*

### I. ON ORDER

- 1,918 COMMERCIAL VESSELS
- ASSUME .U.S. SHARE AT 3% = 58 VESSELS

### II. PROJECTED

- PROJECTED THROUGH 2001 = 9,000 VESSELS
- ASSUME U.S. SHARE AT 3% = 270 VESSELS

\*Fairplay Newbuildings Oct. 27, 1994

\*\* Annex to Strengthening America's *Shipyards: A Plan for Competing in the International Market*

# THE PRESIDENT'S FIVE-PART PLAN

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STRENGTHENING AMERICAN SHIPYARDS: A PLAN  
FOR COMPETING IN THE INTERNATIONAL MARKET

I. ENSURING FAIR INTERNATIONAL COMPETITION

II. IMPROVING COMMERCIAL COMPETITIVENESS  
WITH MARITECH

III. ELIMINATING UNNECESSARY GOVERNMENT  
REGULATION

IV. FINANCING SHIP SALES THROUGH TITLE XI  
LOAN GUARANTEES

V. ASSISTING INTERNATIONAL MARKETING

# OFFICE OF SHIPYARD REVITALIZATION

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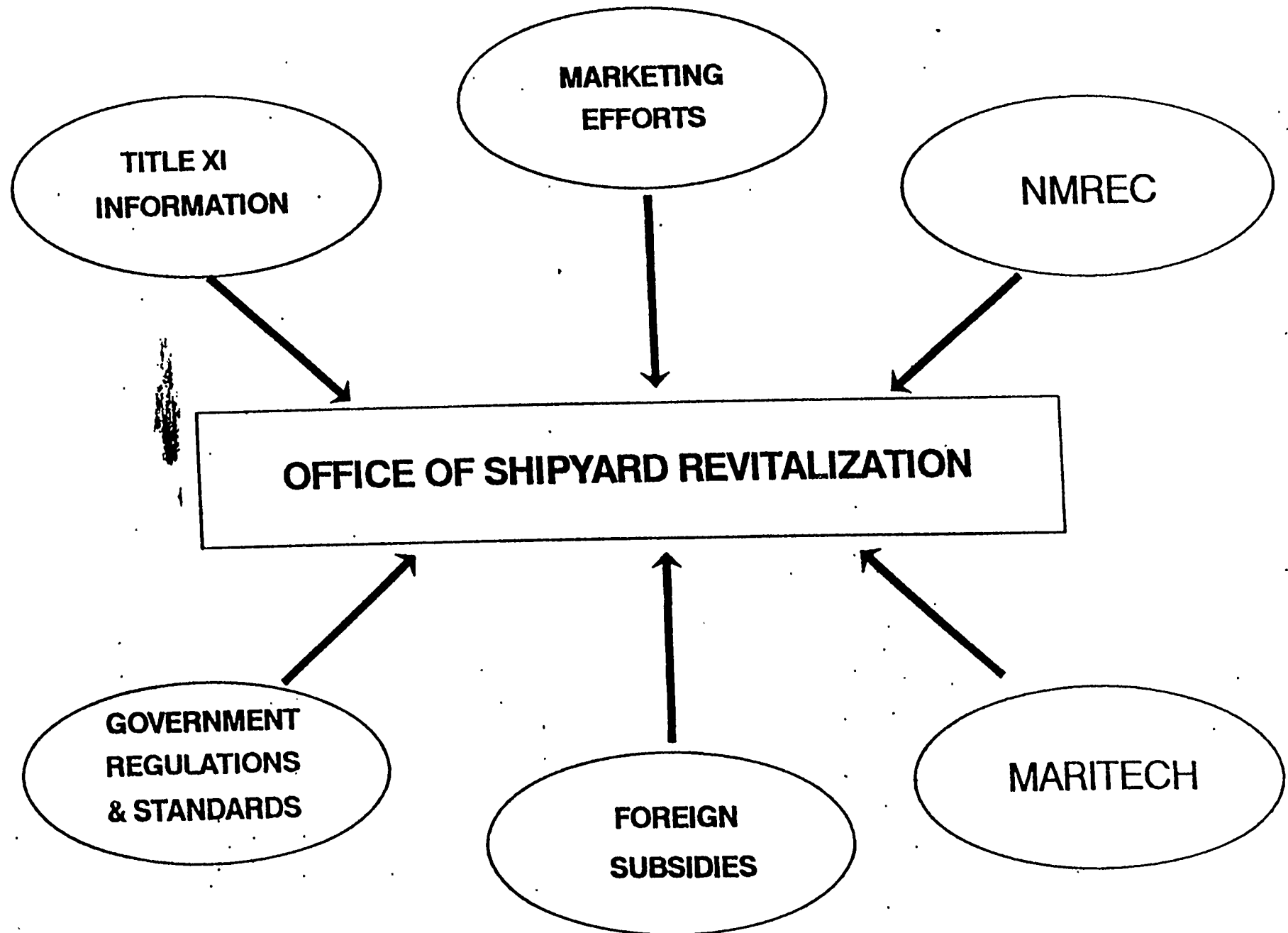
# OFFICE OF SHIPYARD REVITALIZATION

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## MISSION:

FACILITATE U.S. SHIPBUILDING/REPAIR/SUPPLY  
INDUSTRY INTERFACE WITH THE GOVERNMENT  
ON NATIONAL SHIPBUILDING INITIATIVE

**ONE STOP SHOPPING**



# 1. FAIR INTERNATIONAL COMPETITION

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- LEVEL THE INTERNATIONAL PLAYING FIELD BY REMOVING FOREIGN SHIPYARD SUBSIDIES
- OCED AGREEMENT - DECEMBER 21 , 1994
  - ONE-YEAR WINDOW - JANUARY 1, 1996
  - THREE-YEAR PHASEOUT - JANUARY 1, 1999

## II. IMPROVING COMPETITIVENESS

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- MARITECH
  - INDUSTRY-LED, INDUSTRY-DRIVEN R&D TO ACCELERATE TECHNOLOGY TRANSFER AND PROCESS CHANGE
  - GOVERNMENT/INDUSTRY COST SHARING
  - ARPA/MARAD COLLABORATION
  - MARAD PROVIDES FULL-TIME ASSISTANCE
    - DEPUTY PROGRAM MANAGER
    - SUPPORT EVALUATIONS OF BROAD . AGENCY ANNOUNCEMENTS (BAA)
    - MAJOR AGENT FOR ARPA BAA 94-09
- TECHNOLOGY REINVESTMENT PROGRAM (TRP)
- NATIONAL MARITIME RESOURCE AND EDUCATION CENTER (NMREC)

# **Ila. MARAD MARITECH PROJECTS**

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- **MODUMR TANKER CONSORTIUM - HIGH TECH TANKERS**
- **ALABAMA SHIP - DOUBLE HULL PRODUCT CARRIER**
- **SHIPBUILDING VENTURES - DESIGN OF A VIRTUAL SHIPYARD**
- **AVONDALE INDUSTRIES - FOCUSED TECHNOLOGY DEVELOPMENT**
- **HALTER MARINE -23,000 TON CONTAINER/BULK CARRIER**
- **MCDERMOTT - MULTIPURPOSE DRY CARGO SHIP DESIGN**
- **HALTER MARINE - MEDIUM SIZED MULTIPURPOSE SHIP**
- **HALTER MARINE - LOW WAKE HIGH SPEED FERRY**
- **INGALLS SHIPBUILDING - CRUISE SHIP PRELIMINARY DESIGN**



## **Iib. MARAD-MANAGED TRP PROJECTS**

- **U.S. INDUSTRY IN DUAL-USE TECHNOLOGY**
- **COST SHARED**
- **ARPA FUNDED WITH ASSISTANCE FROM MARAD**
- **BATH IRON WORKS CORPORATION**  
**-- COMMERCIAL SHIPBUILDING FOCUSED DEVELOPMENT**
- **CYBO ROBOTS, INC.**  
**-- PORTABLE SHIPBUILDING ROBOTICS**

## IIc. NATIONAL MARITIME RESOURCE & EDUCATION CENTER (NMREC)

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- MARINE INDUSTRY STANDARDS LIBRARY
- PROMOTING VOLUNTARY CONSENSUS STANDARDS
- COLLABORATING WITH ARPA ON MARITECH
- TRAINING AND SEMINARS
- FACILITATION FOR ISO 9000 REGISTRATION
- GUIDELINE SPECIFICATIONS

# III. ELIMINATING REGULATION

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## •USG AGENCIES TO ELIMINATE UNNECESSARY REGULATIONS

### ●USCG NEW INITIATIVES - MARITIME REGULATORY REFORM ACT OF 1994

- LESS FREQUENT VESSEL INSPECTIONS UNDER MODEL COMPANY PROGRAM
- ACCEPTANCE OF FOREIGN GOVERNMENT APPROVALS OF FIRE AND LIFE SAFETY EQUIPMENT
- USE OF CLASSIFICATION SOCIETIES OTHER THAN ABS
- SHIPBUILDERS COMPLIANCE OPTION TO RELY ON CLASSIFICATION SOCIETY STANDARDS IN LIEU OF USCG REGULATIONS

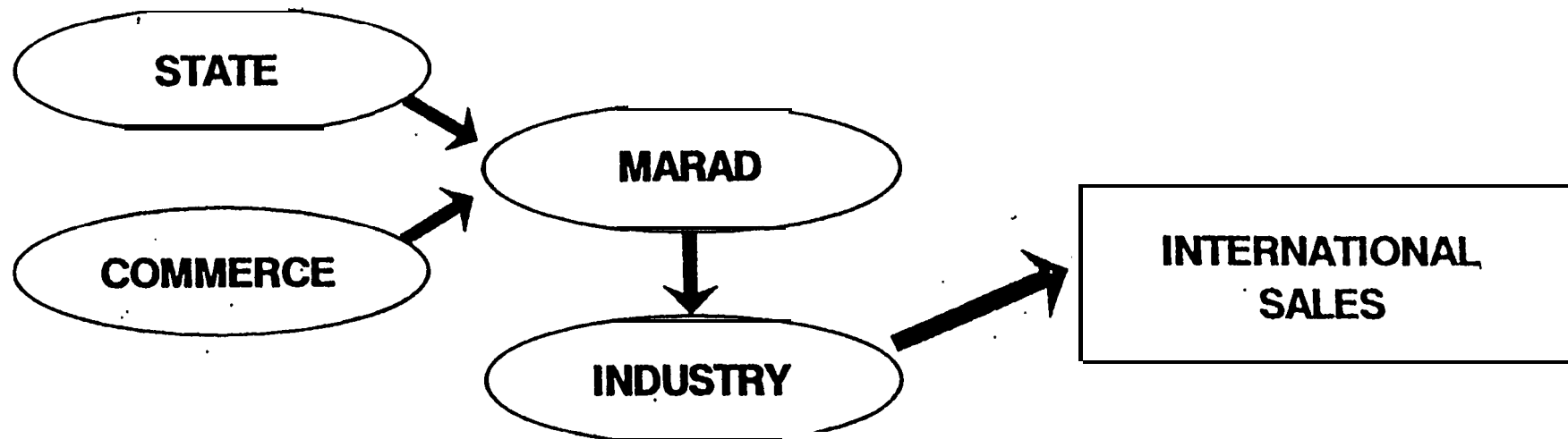
# IV. TITLE XI LOAN GUARANTEES

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- AVAILABLE FOR SHIPS BUILT IN U.S. YARDS FOR EXPORT
- U.S. SHIPYARD MODERNIZATION
- \$ AVAILABLE
- 60-DAY REVIEW
- OFFICE OF SHIP FINANCING

# V. MARAD'S MARKETING EFFORTS

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- EDUCATE EMBASSIES ON THE NEEDS OF THE U.S. SHIPYARDS
- PROVIDE INFORMATION AND CONTACTS AT EMBASSIES FOR U.S. SHIPBUILDERS
- FORWARD POTENTIAL LEADS TO THE SHIPBUILDING INDUSTRY
- WORKSHOPS, SEMINARS, TRADE EXHIBITORS WITH INDUSTRY

## APPENDIX D

**APPENDIX D**

**WHITE HOUSE MEMORANDUM FOR HEADS OF DEPARTMENTS  
AND AGENCIES, SUBJECT: REGULATORY REINVENTION  
INITIATIVE**

## THE WHITE HOUSE

WASHINGTON

Marh 4, 1995

## MEMORANDUM FOR HEADS OF DEPARTMENTS AND AGENCIES

SUBJECT: Regulatory Reinvention Initiative

Last week, I announced this Administration's plans for further reform of the Federal regulatory system. This is a central part of reinventing our Government. All Americans want the benefits of effective regulation: clean water, safe workplaces, wholesome food, sound financial institutions. But, too often the rules are drafted with such detailed lists of dos and don'ts that the objectives they seek to achieve are undermined. Clear goals and cooperation would work better. Too often, businesses, especially small ones, face a profusion of overlapping and sometimes conflicting rules.

We have already made real progress in reforming regulation. This memorandum will build on the regulatory philosophy set forth in Executive Order No. 12866 of September 30, 1993, "Regulatory Planning and Review," which is premised on the recognition of the legitimate role of government to govern, but to do so in a focused, tailored, and sensible way.

In the year and a half since that order was signed, we have opened the rulemaking process to the public, we have increased cooperation and coordination among the Federal agencies, and we have seen good processes produce good decisions.

However, not all agencies have taken the steps necessary to implement regulatory reform. To reaffirm and implement the principles of Executive Order No. 12866, regulatory reform must be a top priority.

Accordingly, I direct you to focus on the following four steps, which are an integral part of our ongoing Regulatory Reform Initiative.



2

**FIRST: CUT OBSOLETE REGULATIONS**

I direct you to conduct a page-by-page review of all of your agency regulations now in force and eliminate or revise those that are outdated or otherwise in need of reform. Your review should include careful consideration of at least the following issues:

- Q Is this regulation obsolete?
- o Could its intended goal be achieved in more efficient, less intrusive ways?
- o Are there better private sector alternatives, such as market mechanisms, that can better achieve the public good envisioned by the regulation?
- o, Could private business, setting its own Standards and being subject to public accountability, do the job as well?
- o Could the States or local governments do the job, making Federal regulation unnecessary?

This review should build on the work already being done by your agencies under section 5 of Executive Order No. 12866.

Your regulatory review task force should be headed by one of your appointees who should be given your full support and should, to the extent practicable, be freed of other duties.

I further direct you to deliver to me by June 1 a list of regulations that you plan to eliminate or modify with a copy of the report sent to Sally Katzen, Administrator of the Office of Information and Regulatory Affairs (OIRA). The list should distinguish between the regulations that can be modified or eliminated administratively and those that require legislative authority for modification or elimination.

**SECOND: REWARD RESULTS, NOT RED TAPE**

I direct you to change the way you measure the performance of both your agency and your frontline regulators so as to focus on results, not process and punishment. For example, Occupational Safety and Health Administration (OSHA) inspectors should not be evaluated by the number of citations they write, nor should officials of the Consumer Product Safety Commission be judged by the number of boxes of consumer goods that are detained in shipment. This change in measurement should involve a two-step process.

3

First, you should identify appropriate performance measures and prepare a draft in clear, understandable terms, of the results you are seeking to achieve through your regulatory program. The draft should be circulated to frontline regulators for review and comment. This is the same work needed to meet the requirements of the Government Performance and Results Act of 1993.

Second, you should evaluate and reward employees based on the realization of those measures/goals.

By no later than June 1, I direct you to (a) eliminate all internal personnel performance measures based on process (number of visits made, etc.) and punishment (number of violations found, amount of fines levied, etc.), and (b) provide to the National Performance Review (NPR) staff a catalogue of the changes that you are making in existing internal performance evaluations to reward employees. You should also provide material describing shifts in resource allocation from enforcement to compliance.

THIRD: GET OUT OF WASHINGTON AND CREATE GRASSROOTS PARTNERSHIPS

I direct you to promptly convene groups consisting of frontline regulators and the people affected by their regulations. These conversations should take place around the country -- at our cleanup sites, our factories, our ports.

I further direct you to submit a schedule of your planned meetings to the NPR staff by March 30 and work with NPR in following through on those meetings.

FOURTH: NEGOTIATE. DON'T DICTATE

It is time to move from a process where lawyers and bureaucrats write volumes of regulations to one where people work in partnership to issue sensible regulations that impose the least burden without sacrificing rational and necessary protections. In September 1993, I asked each of you to identify at least one rule that could be conducted through negotiated rulemaking (or to explain why such could not be done) in order to promote consensual rulemaking as opposed to the more traditional rulemaking that has dominated the regulatory arena.

I now direct you to expand substantially your efforts to promote consensual rulemaking. To this end, you should submit to OIRA, no later than March 30, a list of upcoming rulemakings that can be converted into negotiated rulemakings. I have directed Sally Katzen to review your lists with a view toward making clear to the regulated community that we want to work together productively on even the most difficult subjects.

4

To facilitate our ability to learn from those affected by regulation, I will amend Executive Order No. 12838 (which requires agencies to reduce the number of advisory committees that they use and to limit the future use of such committees) to allow for advisory committees established for negotiated rulemakings.

I also intend to take additional steps to increase our ability to learn from those affected by regulation. While many laws and rules that limit the ability of regulators to talk with those being regulated were imposed to curb abuse, they now often serve as a barrier to meaningful communication between the regulators and the regulated. To address this problem, and to promote consensus building and a less adversarial environment, I direct you to review all of your administrative ex parte rules and eliminate any that restrict communication prior to the publication of a proposed rule -- other than rules requiring the simple disclosure of the time, place, purpose, and participants of meetings (as in Executive Order No. 12866). We will also begin drafting legislation that will carve out exemptions to the Federal Advisory Committee Act to promote a better understanding of the issues, such as exemptions for meetings with State/local/tribal governments and with scientific or technical advisors.

I also ask you to think about other ways to promote better communication, consensus building, and a less adversarial environment. Please send your ideas to the Office of the Vice President.

As I said on Tuesday, February 21, 1995, you are to make regulatory reform a top priority. Good government demands it and your full cooperation is crucial.

William J. Clinton

## APPENDIX E

## **APPENDIX E**

### **CLINTON/GORE'S REINVENTING ENVIRONMENTAL REGULATIONS DOCUMENT**

# ***Reinventing Environmental Regulation***

**President Bill Clinton  
Vice President Al Gore**

**March 16, 1995**

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# OVERVIEW

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*'Do we need more common sense and fairness in our regulations? You bet we do. But we can have common sense and Still provide safe drinking water. We can have fairness and still clean up toxic waste dumps. And we ought to do it ''*

**President Clinton**

**State of the Union Address; January 24, 1995**

## *Introduction*

**We are in the midst of** a critical transitional period for our nation's environmental policy. The modern era of environmental protection began in 1970 with the first Earth Day, the passage of landmark legislation, and the creation of the Environmental Protection **Agency**. **We** have accomplished much in 25 yrs to protect the health of our people and preserve natural treasures for future generations. But much remains to be done.

It is time to draw upon the lessons we have learned over the last 25 **yesrs to reinvent** environmental protection for the 21st century. **We have** learned that the American people **are** deeply committed to a healthy environment for their children and communities. We have learned that pollution is often a sign of economic inefficiency and business can improve profits by preventing it. **We** have learned that better decisions result from a collaborative process with people working together, than from an adversarial one\* pits them against each other. And we have learned that regulations that provide flexibility - but require accountability - can provide greater protection at a lower cost

**The American people expect and deserve clean air to breath water to drink, a safe food supply and safe places to live, work and play for themselves and for future generations. The Clinton/Gore Administration is committed to providing that protection in a common sense, cost effective manner.**

**This report contains a comprehensive set of 25 High Priority Actions that will substantially improve the existing regulatory system and take significant steps toward a new and better environmental management system for the 21st century.**

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**REINVENTING ENVIRONMENTAL REGULATION**



## 25 Years of Progress

Since the first Earth Day almost 25 years ago, the American people have enjoyed dramatic improvements in public health, worker safety, and the natural environment. We have taken lead out of gasoline and paint. We have virtually eliminated direct discharge of raw sewage into the nation's water. We have banned DDT and other dangerous and persistent pesticides. Because of these and other actions, lead levels in the average American's bloodstream have dropped by 25 percent since 1976, millions of Americans can now fish and swim in formerly polluted waters, and the bald eagle—once close to extinction—has been removed from the list of endangered species. Improvements in the quality of our air, water, and land represent investments in the future that will pay dividends for generations to come.

But for all the progress we have made, serious environmental problems remain. Examples include:

- Forty percent of our rivers and lakes still do not fully meet water quality standards;

- 54 million Americans—one in five—still live in areas where the air does not meet public health standards; and

We are witnessing increases of asthma, breast cancer and other illnesses that may be related to environmental pollution.

It is clear that we have not finished the job. We must build on the successes of the past to construct a framework for continued success in the future.

Many of the successes achieved thus far have been based on "end-of-the-pipe," "command-and-control" approaches. Under this system, Federal and state governments have set standards, issued permits for pollutant discharges, and then inspected, monitored, and enforced the standards set for each environmental statute. By regulating emission sources to the air, water, and land, we have addressed many of the obvious environmental problems.

But as we achieved these successes, we learned a great deal about the limitations of "command-and-control." Prescriptive regulations can be inflexible, resulting in costly actions that defy common sense by requiring greater costs for smaller returns. This approach can discourage technological innovation that can lower the costs of regulation or achieve environmental benefits. Prescriptive regulation is often less effective in addressing some of the more serious sources of pollution that we will face in the years ahead.

We have seen both the value and the limitations of “command-and-control” regulation and end-of-pipe strategies. They will remain possible policy options to be chosen if they are the most efficient, effective -- or only -- solutions to future environmental problems. But we also know that we must expand available policy tools to include new and innovative ways to achieve greater levels of environmental protection at lower cost.

For example, we have learned that setting “performance standards” and allowing the regulated community to find the best way to meet them can get results cheaper and quicker -- and cleaner -- than mandating design standards or specific technologies. We can promote both lower-cost environmental protection and innovation in pollution control and prevention technology. Using performance standards along with economic incentives encourages innovation. The lowest-cost and most effective strategies earn a greater return in the marketplace. Accountability and responsibility must accompany this increased flexibility so our citizens have confidence that our environmental goals are, in fact, being met.

We have also learned that a healthy environment and a healthy economy go hand-in-hand. This growing awareness is demonstrated by the strong support that the concept of sustainable development has received from both industry and environmentalists across the country and around the world. Our economic and our environmental goals must be mutually reinforcing to produce both jobs and environmental quality.

We have learned that the adversarial approach that has often characterized our environmental system precludes opportunities for creative solutions that a more collaborative system might encourage. When decision-making is shared, people can bridge differences, find common ground, and identify new solutions. To reinvent environmental protection, we must first build trust among traditional adversaries.

We have certainly learned that Washington, D.C. is not the source of all the answers. There is growing support for sharing decision-making by shifting more authority -- and responsibility -- from the Federal government to states, tribes and local communities.

Drawing upon the lessons of the last 25 years, the Clinton/Gore Administration is committed to reinventing our environmental protection system. This is a positive effort to build upon the strengths of the current system, while overcoming its limitations. We will reform the system, not undermine it. We will bring people together in support of reform, rather than further polarizing a debate that has been polarized for too long already.

In tackling this challenge, we are guided by a commitment to the progress of the last 25 years, a vision for the next 25 years, a set of 10 principles, and the knowledge that the American people want common sense protection of public health and the environment.

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## ***A Vision for the Next 25 Years***

We envision a 21st century America in which healthy and economically secure people breathe clean air, drink clean water, eat safe food, and live, work and play in clean and safe communities.

We envision a 21st century America in which economic incentives, environmental incentives, and technological innovation are aligned so that economic growth improves -- rather than diminishes -- environmental quality.

In the next century, environmental protection must be driven by clear and measurable national goals. Economic, environmental, and social goals must be integrated so policies are mutually supportive, not conflicting. Performance will be measured by achieving real results in the real world, not simply by adhering to procedures.

We must set environmental standards with full public participation. We must encourage innovation by providing flexibility with an industry-by-industry, place-by-place approach to achieving standards, building on the work begun in the Common Sense Initiative. But we will require accountability that such standards be met. Rather than focusing on pollutant-by-pollutant approaches, attention must shift to integrated strategies for whole facilities, whole economic sectors, and whole communities.

We must employ an inclusive decision-making process that will provide states, tribes, communities, businesses and individual citizens the opportunity to participate. In particular, low-income and minority citizens must have a meaningful voice in decisions that affect their lives. But in addition to providing opportunity, we must encourage individuals, businesses, and governments to accept their *responsibility* for environmental stewardship.

The power of information will be critical to the success of this new system. Better information will allow businesses to identify and eliminate inefficiencies that create pollution and reduce profits. Better information will enable government to avoid "one size fits all" approaches and efficiently tailor solutions to problems. Better information will allow citizens to participate effectively in decisions that affect their families and communities.

This new management system will require everyone to accept new roles and responsibilities. Individuals will have new responsibilities as consumers and as participants in local decision-making. Businesses will make environmental protection a strategic consideration that will be designed into their products and services, not considered after the fact. State, tribal, and local governments will serve as full partners in the development and implementation of policies to achieve national goals. EPA will become a partner providing information and research to empower local decision-makers.

## ***Reinvention Yes, Rollback No***

How do we attain this vision of the future? The 25 High Priority Actions assembled in this report provide the road map to reach our vision. The first set of Actions, listed under the heading "Improvements to the Current System," are examples of immediate steps to fix problems associated with today's regulatory structure. Additional actions will be identified in a June 1 report to the president following a comprehensive review of all existing regulations. It will recommend eliminating obsolete or unnecessary requirements.

But we can't be satisfied with simply improving elements of a regulatory system that has evolved piece-by-piece over 25 years. - By implementing the second set of Actions included under the heading "Building Blocks for a New System," we will provide the flexibility to test alternative strategies to achieve environmental goals. The most notable of these initiatives is Project XL (page 14). This program will give a limited number of responsible companies the opportunity to demonstrate excellence leadership. They will be given the flexibility to develop alternative strategies that will replace current regulatory requirements, while producing even greater environmental benefits.

The Clinton/Gore Administration is committed to reinventing environmental protection so it will protect more and cost less. But we are not starting from scratch. In the last two years, the Administration has made tremendous progress in adopting common sense reforms to our environmental regulatory system (See Appendix C). We have spearheaded a new, cleaner, cheaper and smarter direction for environmental protection. In the year ahead, we will continue our progress through the ambitious agenda contained in this report.

But let no one misunderstand us. Our effort to reinvent environmental regulation does not imply compromise on the public health and environmental protection goals to be achieved. While increased flexibility is a central principle of our reinvention effort, flexibility is not a codeword for loophole. Those who - abuse new flexibility will find the traditional tools still at hand to enforce the law.

The American people, in poll after poll, cite their determination to achieve high standards of environmental quality. This Administration shares that commitment. We will oppose those who would undercut protection of public health and the environment under the guise of "regulatory relief." America does not need dirtier air or dirtier water. The historic protection we have achieved over the last 25 years must be maintained, sustaining the promise of a clean and healthy environment that has been made and renewed by almost every President since Teddy Roosevelt. We will work with the new Congress whenever possible, but we will not go backwards. Reinvention yes, rollback no.

## ***10 Principles for Reinventing Environmental Protection***

1. Protecting public health and the environment are important national goals, and individuals, businesses and government must take responsibility for the impact of their actions.

2. Regulation must be designed to achieve environmental goals in a manner that minimizes costs to individuals, businesses, and other levels of government.

3. Environmental regulations must be performance-based, providing maximum flexibility in the means of achieving our environmental goals, but requiring accountability for the results.

4. Preventing pollution, not just controlling or cleaning it up, is preferred.

5. Market incentives should be used to achieve environmental goals, whenever appropriate.

6. Environmental regulation should be based on the best science and economics, subject to expert and public scrutiny, and grounded in Values Americans share.

7. Government regulations must be understandable to those who are affected by them.

8. Decision making should be collaborative, not adversarial, and decision makers must inform and involve those who must live with the decisions.

9. Federal, state, tribal and local governments must work as partners to achieve common environmental goals, with non-federal partners taking the lead when appropriate.

10. No citizen should be subjected to unjust or disproportionate environmental impacts.

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## 25 HIGH PRIORITY ACTIONS

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*"We are at a crossroads. The decisions we make today will determine whether we leave to future generations an attractive, livable world or an ever-escalating series of problems. More than ever, we <sup>must</sup> work vigorously to advance the twin goals of environmental protection and economic growth."*

**Vice President Gore**

**July 15, 1994**

Our strategy to reinvent environmental protection will proceed on two tracks that will converge in the future to produce a new era of cleaner, cheaper, and smarter environmental management. The first track is a set of High Priority Actions (page 8) targeted to fixing problems with today's regulatory programs. These actions demonstrate our commitment to providing flexibility, sparking innovation, and requiring accountability; to cutting red tape, to encouraging collaboration; and to focussing upon achieving environmental results in local communities, rather than adherence to bureaucratic procedures in Washington.

The second track is a set of High Priority Actions (page 14) designed to develop innovative alternatives to the current regulatory system. We will enter into partnerships with businesses, environmentalists, states and communities to test alternative management strategies for single facilities, industrial sectors, or geographic areas. The knowledge gained from such bold experimentation will lay the groundwork for developing a new environmental management system for the 21st century.

This dual strategy is a comprehensive approach to continually improving our environmental management system -- aimed at our twin goals of enhanced environmental protection and vibrant economic growth. One-page descriptions of these 25 High Priority Actions can be found in Appendix A. Appendix B contains a set of Other Significant Actions.

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**REINVENTING ENVIRONMENTAL REGULATION**

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## IMPROVEMENTS TO THE CURRENT SYSTEM

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### *Performance and Market-based Regulations*

Regulatory policies that rely on performance standards in concert with market-based incentives greatly enhance cost-effectiveness and innovation by encouraging the lowest cost and most innovative compliance strategies.

1. Open-market air emissions trading. EPA will issue an emissions trading rule for smog-creating pollutants that will allow states to obtain automatic approval for open market trading of emission credits with accountability for quantified results. Expanding use of market trading on a local and regional level will give companies broad flexibility to find lowest cost approaches to emission reductions. The rule will encourage experimentation with new trading options while enabling states to pursue more quickly allowance-based cap systems, which are already under development in some areas.
2. Effluent trading in watersheds. EPA will place top priority on promoting use of effluent trading to achieve water quality standards (e.g., establishing a framework for different types of effluent trading, issuing policy guidance for permit writers, and providing technical assistance). Trading can be used to achieve higher water quality in watersheds at lower cost than inflexible discharge requirements for individual sources.

### *Setting Priorities based on Sound Science*

Sound and credible environment decisionmaking depends on good science and good data. When hazards are understood and risks have been fully assessed, remedies can be crafted with precision. Twenty-five years ago, little was known about environmental hazards and far less about the risks they posed. Through the years, we have considered both the hazards and how best to assess the resulting risks. EPA must remain at the cutting edge of risk assessment and ensure independent peer review of the science used in regulatory decisions to mitigate risk in the most efficient and effective manner possible.



3. Refocus RCRA on high-risk wastes. The regulation of hazardous wastes will be reformed so that low-risk wastes exit the Resource Conservation and Recovery Act hazardous waste system states are allowed latitude in designing management requirements for low-risk, high-volume wastes generated during environmental cleanup operations and, a new common-sense definition of solid waste will be developed to simplify industry compliance with RCRA rules.
4. Refocus drinking water treatment requirements on highest health risks. EPA will reorder its priorities for drinking water regulations based on a careful analysis of public health risks and discussions with stakeholders. While working on this realignment EPA will pursue a postponement of court-ordered deadlines for drinking water regulations. Additionally, EPA will boost support for Voluntary efforts to immediately reduce risks through improved management of water treatment facilities and tailor drinking water monitoring requirements to reflect local contaminant threats.
5. Expand use of risk assessment in local communities. EPA has sponsored the development of computer software that allows non-specialists to conduct simple risk assessments. As part of an expanded risk training program EPA will provide (at cost) this computer program to local governments, small businesses, and local citizens groups. This tool will allow estimates of exposures and human health risks on a site specific basis. Broad availability to training and access to risk assessment tools and data bases will increase public understanding of risk assessment and empower citizens to participate in environmental decisions in an informed manner.

### ***Building Partnerships***

No one has a greater interest in local environmental decisions than the people who are affected by them. States, tribes and communities are anxious for greater autonomy and responsibility for results. EPA is taking an activist role in moving environmental decisions and accountability to the level closest to the problem - be it state, tribal, or local. A major part of achieving a shift in authority is building the capacity at the state and local levels to solve local problems. Upon enactment of necessary legislation, EPA will vigorously pursue

6. Flexible funding for states and tribes. EPA will provide an option for state and tribal governments to combine their existing grant funds to reduce administrative burdens and improve environmental performance. Under these Performance Partnership Grants, states and tribes will be able to target funds to meet their specific needs, as long as they are consistent with environmental requirements. These grants would be subject to performance criteria negotiated between the EPA Administrator and the grant recipients.
7. Sustainable Development Challenge Grants. This new competitive action grant would prompt local formulation of comprehensive, place-based management connecting sustainable economic development with sound environmental practices. Within legislatively set national objectives, stakeholders will be challenged to produce coordinated programs, using the action grant to mobilize, organize and attract community and private sector participation. A successful application would demonstrate a high level of stakeholder involvement, and availability of other sources of funds. Recipients would be expected to leverage direct private sector investment in place-based environmental protection.
8. Regulatory negotiation and consensus-based rulemaking. EPA will review all rules to identify candidates for negotiated rulemaking -- a process that involves all stakeholders in developing agreement on how best to regulate. Additionally, the Common Sense Initiative process will be used to identify regulations that can be developed through negotiation and consensus.

### ***Cutting Red Tape***

Continuing the work started under Vice President Gore's National Performance Review, EPA will search out opportunities to simplify and reduce paperwork, including up front during the permitting process, and in recordkeeping and reporting. By June of this year, EPA will review all of its regulations and identify those that should be eliminated or simplified. These actions will preserve essential data needed to measure environmental results and determine compliance with the law, but will eliminate low-value requirements. The three examples below illustrate EPA's commitment to eliminating red tape by reducing paperwork, simplifying reporting, and consolidating rules for easier understanding.

9. 25% reduction in paperwork. EPA will reduce existing reporting and recordkeeping burden hours by 25% beginning with local governments and small businesses. Initiatives already underway include expanded use of electronic reporting and recordkeeping. EPA will meet extensively with industry, states, and other interested groups to identify ways of minimizing reporting and recordkeeping requirements.
10. One-Stop emission reports. EPA will create a consolidated system for routine emission reporting to the Agency, which will substantially reduce the multitude of reporting forms for different kinds of pollutant discharges from one facility. Given the enormity of this change, and the logistics involved, consolidated reporting will begin with pilot programs in coordination with states. Based on the experience gained, we will apply the "one-stop" approach more broadly.
11. Consolidated federal air rules (one-industry -- one rule). EPA will work with key industries, beginning with the chemical industry, to eliminate conflicting and overlapping federal air compliance requirements. Deleting duplicative and confusing regulations will result in increased understanding by industry about emission limits and monitoring recordkeeping and reporting requirements, and will reduce compliance costs -- with no measurable loss of environmental protection. Subsequently, consolidation for other media will be undertaken, based on experience gained with air rules.

### ***Better Accountability, Compliance and Enforcement***

While environmental requirements can and will be made more flexible and cost effective, the public will continue to expect compliance with the law and accountability for results. We will encourage good actors and provide incentives for compliance while preserving a level playing field and deterring violations through targeted enforcement actions. We will encourage compliance through incentives for self-policing including penalty reductions and testing of third-party auditing and self certification, and we will provide more effective assistance to small businesses seeking to comply with environmental regulations. We will maintain the level playing field through aggressive enforcement that targets the highest risks and most significant noncompliance problems. Many of these initiatives will be coordinated through EPA's new Environmental Leadership Program.

- 12.** Risk-based enforcement. EPA will target enforcement actions against significant violations that present the greatest risks to human health and the environment. This will require development of tools that allow analysis of risk as well as patterns of violations among corporations and facilities within a particular sector, and making this information more publicly available.
13. Compliance incentives for small businesses and communities. The nation will enjoy greater environmental protection if responsible small businesses and small communities who volunteer to comply with environmental regulations can access compliance assistance without fear of fines and penalties. Thus, EPA will provide up to 180 days for small businesses to correct violations identified through federal or state technical assistance programs. A similar approach will be used for small communities.
14. Small business compliance assistance centers. EPA will develop national customer centers for six small business sectors (including printing metal finishing auto service stations) that face multiple environmental requirements. The centers will support trade associations and state small business associations through plain-English guides to compliance, electronic access to information linking pollution prevention and compliance opportunities, and by cutting paperwork and consolidating reporting for the affected industries.
15. Incentives for auditing, disclosure and correction. To reward today's responsible companies and eliminate costly litigation and red tape, EPA will provide incentives through reduced penalties for companies that disclose and promptly correct violations -- except for criminal violations, imminent and substantial endangerment, or repeat violations.
16. Self certification. Compliance through self certification can reduce the reporting burden for those environmental requirements not associated with emissions or risk data. EPA will develop a self certification program for pesticide registrants, and then expand self certification into other program areas.

## ***The Power of Information***

Quality information is central to all aspects of environmental decision making. Government, businesses, and citizens need information about prevailing and projected environmental conditions and trends; about the effects of pollution; about the success of mitigation strategies; and about costs and benefits of these strategies. Businesses need quality information to identify opportunities to prevent pollution and save money. Citizens need access to information to participate in decision-making in a meaningful and informed manner. Alternative performance-based systems of environmental protection -- such as facility-, sector-, and community-based approaches -- can only succeed if high quality information is available and can be easily accessed.

17. Public electronic access. EPA will significantly expand its existing programs (e.g., Public Information Center, hotlines) to make information from all EPA programs available through Internet and other electronic means that many Americans can access directly from their homes, schools and Libraries.
18. Center-for environmental information and statistics. EPA will administratively establish a new Agency-wide center charged with assessing consolidating and disseminating information. The center will serve multiple and diverse stakeholders -- providing products that respond to the expressed needs of its customers. The center will commission an independent study to evaluate the full range of data needs (including additional data as well as unnecessary data elements that are currently collected). EPA data management systems and technological improvements that can increase efficiency and access will also be addressed.

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## BUILDING BLOCKS FOR A NEW SYSTEM

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It isn't enough to focus on improving the current regulatory system. Incremental change alone will never get us where we ultimately need to be. As we move toward a new century, **it is imperative that we challenge ourselves to step outside the context of the** established way of doing things to identify new and innovative means to achieve our goals. The High Priority Actions that follow do just that. They will test the building blocks for a new way to ensure both a vibrant economy and a healthy environment. By providing flexibility -- with accountability -- we will spark technological innovations that will demonstrate that economic and environmental goals can be achieved simultaneously. The knowledge gained from this bold experimentation will allow us to leapfrog past the limitations of the current system to create a new environmental management system for the 21st century.

### *Alternative Performance-based Strategies*

EPA has developed a coordinated series of demonstration projects designed to provide the opportunity to implement alternative management strategies for facilities, industrial sectors, communities, and federal agencies. These projects will provide environmental managers the flexibility to employ technological innovation to achieve environmental goals beyond what the law requires, while requiring accountability for performance. These projects will also encourage collaborative decision-making with increased citizen involvement. EPA will sponsor the following demonstration projects

19. Project XL. This project is a critical component of the Administration's effort to reinvent regulation. In partnership with the states, the Administrator will provide a limited number of responsible companies the opportunity to demonstrate excellence and leadership. They will be given the flexibility to replace the requirements of the current system at specific facilities with an alternative strategy developed by the company if certain conditions are met: (a) the alternative strategy must produce environmental performance superior to that which would be achieved by full compliance with current laws and regulations; (b) the alternative strategies must be "transparent" so that citizens can examine assumptions and track progress toward meeting promised results, (c) the alternative strategy must not create worker safety or

environmental justice problems, (d) the alternative strategy must enjoy the support of the community surrounding the facility; and (e) the alternative strategy must be enforceable.

20. Alternative strategies for sectors. Through the use of industry covenants and other forms of enforceable agreements, EPA and several industries will demonstrate how adjustments and modifications in environmental regulatory requirements can achieve more cost-effective environmental results. The industries involved in the Common Sense Initiative will provide the first opportunities to test this approach.
21. Alternative strategies for communities. EPA will join with states and communities, and perhaps other federal agencies, to conduct pilot projects that will demonstrate and assess the merits of community-designed and directed strategies for achieving environmental and economic goals. The pilots will be undertaken with communities that are seeking innovative alternatives that promise greater efficiency and effectiveness than current approaches, as well as with communities that are grappling with limited ability to meet current regulatory requirements. The pilots will apply, in a geographic area, the concepts contained in the facility and sector projects, and will build on the Administration's Empowerment Zone and Ecosystem Management Initiatives. These pilots will integrate the mutually supportive goals of economic development and environmental protection at the community level with full public participation.
22. Alternative strategies for agencies. EPA will work with other federal agencies that have environmental responsibilities to ensure that their programs achieve environmental results in the most cost-effective manner, while eliminating needless bureaucratic procedures. The initial pilot in this effort will focus on two to four Department of Defense facilities. EPA and DoD will enter into a memorandum of understanding to define performance goals and jointly devise an optimal approach to achieve those goals. The approach will combine pollution prevention, compliance and technology research projects.

### ***New Tools for Government and Industry***

In addition to sponsoring alternative strategy pilot programs, EPA will place increased emphasis on developing new management tools for government and industry to utilize in implementing new environmental management systems.

23. Third-party audits for industry compliance. One approach for streamlining compliance oversight is to use independent, certified, private sector firms to audit industry performance. The Environment Leadership pilot program, with input from environmental groups, industry and states, will evaluate criteria for third-party audits which assure the public that environmental requirements are being met and violations disclosed and promptly corrected.
24. Multi-media permitting. EPA will conduct several demonstrations of multi-media (“one-stop”) permits. These permits will address all releases and use performance-based approaches **to** assure comprehensive environmental protection, encourage pollution prevention, minimize duplication and delay, and allow facility managers to use lowest-cost solutions.
25. Design for Environment -- green chemistry challenge. EPA proposes that the agency and the chemical industry jointly sponsor national awards for companies that develop pollution prevention processes for chemical production and use. Major targets will be using renewable resources for chemical production, substituting solvents that do not contribute to air pollution, and designing new chemicals and chemical processes that are more safely made and that are safe for the environment.



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## **APPENDIX A**

### **ONE-PAGERS: 25 HIGH PRIORITY ACTIONS**

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#### **IMPROVEMENTS TO THE CURRENT SYSTEM**

- 1     **Open-market air emissions trading**
2.   **Effluent trading in watersheds**
- 3     **Refocus hazardous waste regulation on high-risk wastes**
- 4     **Refocus drinking water treatment requirements on highest risks**
- 5     **Expand use of risk assessment in local communities**
- 6     **Flexible funding for states and tribes**
- 7     **Sustainable development challenge grants**
- 8     **Regulatory negotiation and consensus-based rulemaking**
- 9     **25% reduction in paperwork**
- 10    **One-Stop emission reports**
- 11    **Consolidated federal air rules**
- 12    **Risk-based enforcement**
- 13    **Compliance incentives for small businesses and communities**
- 14    **Small business compliance assistance centers**
- 15    **Incentives for auditing, disclosure, and correction**
- 16    **Self certification**
- 17    **Public electronic access**
- 18    **EPA Center for environmental information and statistics**

#### **BULDING BLOCKS FOR A NEW SYSTEM**

- 19    **Project XL**
- 20    **Alternative strategies for sectors**
- 21    **Alternative strategies for communities**
- 22    **Alternative strategies for agencies**
- 23    **Piloting third-party audits for industry compliance**
- 24    **Multi-media permitting**
- 25    **Design for the Environment -- "Green Chemistry Challenge"**

## **1. Open-market air emission trading**

**Action:** Establish an open trading market that will allow for attainment of the ozone air quality standard at far less cost.

**Background:** Emissions trading is a way of reducing pollutant emissions to the environment by applying pollution reduction measures at the places where reductions are most cost effective. A facility can avoid costly compliance measures by reducing emissions at points where it is most cost effective to do so, and not apply controls where costs are exorbitant, so long as equivalent or greater reductions are made.

The current ozone control program has focused on a combination of technology-based mandatory measures and State plans that historically have discouraged flexible emission-trading programs. In response, EPA has already issued regulations and guidance to encourage development of economic incentive programs, helped develop an emissions trading market in southern California, and sponsored demonstration projects in the Northeast and elsewhere.

We now believe we have enough experience with trading concepts to provide clear EPA positions that would encourage economic approaches while ensuring equal or better environmental results. EPA's issuance of a generic trading rule would go a long way towards persuading states to adopt such measures.

**Description:** EPA will issue a generic trading rule for ozone-creating pollutants (volatile organic compounds and nitrogen oxides) that will provide far more flexibility than ever before for companies to trade emission credits without prior state or federal approval.

Any State that adopts an identical rule will receive automatic EPA approval. Once in the state plan, companies may freely engage in trades without prior regulatory agency approval as long as emissions tracking and accountability protocols are followed in accordance with the rule.

The guidance provided in this generic rule will also serve to facilitate adoption by states of emissions budget or cap-based trading programs.

Federal leadership in crafting model rules and guidance will permit States to exploit the significant opportunities for market-based programs inherent in the 1990 amendments.

## 2. Effluent trading in watersheds

**Action:** Implement effluent trading on a national scale as a cost-effective approach for reducing water pollution

Background: Under the Clean Water Act, "point source" dischargers (industrial and municipal facilities that discharge wastewater through pipes into rivers and streams) are required to reduce pollution to meet water quality standards. Dischargers have traditionally met these standards uniformly at each discharge pipe.

Under an effluent trading program, a discharger that can reduce pollution below the minimum level required to meet water quality standards can sell its excess pollution reductions to other dischargers within the same watershed. This can have desirable effects. First, it allows dischargers to take advantage of the economies of scale and the treatment efficiencies that vary from discharger to discharger, thus, it may reduce the total cost of compliance for all dischargers in the watershed. Second, it creates an economic incentive for dischargers to **go** beyond minimum pollution reductions and encourages pollution prevention. Finally, by encouraging more timely action to reduce pollution, it may prevent future environmental degradation more effectively than traditional command-control approaches.

Trading programs can also be established for other sources of water pollution including "nonPoint sources" (e.g., run-off from farms) and "indirect" dischargers (companies whose wastewater is treated by a municipal sewage treatment plant).

Depending upon the type of effluent trading implemented, the cost savings can be considerable. EPA has estimated potential cost swings for three types of effluent trading:

- \$611 million to \$5.6 billion for point source/nonpoint source trading
- \$8.4 million to \$1.9 billion for point source/point source trading
- \$658 million to \$7.5 billion for trading among indirect dischargers

**Description:** EPA will encourage effluent trading by:

- Establishing a framework promoting different types of effluent trading
- Issuing policy guidance to permit writers confirming EPA support for effluent trading for pollution reduction above technology-based minimum levels
- Providing **technical** assistance in preparing analyses of the total amount of permissible pollution in a watershed (the technical cornerstone for water quality analysis and watershed trading)

### 3. Refocus hazardous waste regulation on high-risk wastes

**Action:** Better target private industry and government resources toward higher-risk environmental problems related to hazardous waste management.

**Background:** EPA's hazardous waste regulations have been effective in assuring that hazardous waste is safely treated, stored and disposed of. However, some of these regulations require all hazardous wastes to meet the same management standards and do not tailor standards to the degree of risk posed by particular wastes.

**Description:** EPA plans to make the following major changes to better focus its hazardous waste regulations on high-risk wastes and reduce impediments to recycling:

- . Hazardous waste identification rule -To better align hazardous waste regulatory requirements with the risks being controlled, the Agency will propose a rule this year to allow low-risk listed hazardous wastes to exit to the hazardous waste regulatory scheme. This rule has been developed through a multi-stakeholder, consensus-based process.
- Contaminated soil, ground water and surface, water - EPA will allow states greater flexibility in determining the appropriate way to regulate soil, ground water and surface water which is contaminated with relatively small quantities of hazardous waste. The expense and difficulty of managing high-volume low-risk wastes as hazardous wastes can impede cleanup.
- "Universal Wastes" - Many discarded batteries, thermostats and pesticides are now regulated as hazardous wastes. Retail outlets and other businesses are reluctant to collect these items for recycling because of the expense and complexity of the regulatory requirements. EPA will promulgate a rule this year which will significantly reduce regulatory requirements (including paperwork) for retail outlets and other entities that collect these materials for recycling. In the future, EPA and States may include other appropriate hazardous wastes in this special collection scheme.
- . "Common-sense" definition of solid waste - EPA will modify its regulations defining when hazardous materials which are recycled, recovered or reused are 'wastes' and thus subject to EPA hazardous waste regulations. The Agency's goal is to reduce impediments to environmentally sound recycling and to simplify and clarify its regulations. Developed with extensive participation by interested parties, this rule will establish a simplified regulatory framework for all industries as well as tailored approaches for selected key industries.
- "By April 15, EPA will convene a multi-stakeholder process to identify a legislative package of "rifle shot" reforms to fix provisions of RCM that result in high costs and marginal environmental benefit. If the group is unable to reach a consensus, the Administration will consider the views of all participants and deliver a reform package to Congress by July 15.

#### **4. Focus drinking water treatment requirements on highest risks**

**Action:** Focus the EPA drinking water program on the highest risks and cut costs and increase flexibility for states and water suppliers.

**Background:** The 1986 amendments to the Safe Drinking Water Act (SDWA) required EPA to issue national standards for 83 contaminants in 1989 and 25 additional contaminants every three years thereafter. This regulatory "treadmill" is now widely recognized as diverting resources from high priority risks to lower priorities. These regulations have had the effect of requiring expensive monitoring, especially for small systems that provide water to the public, and have imposed high oversight costs on States.

**Description:** During the SDWA reauthorization effort, the Administration emphasized:

- Targeting regulations on substantial health risks
- Retaining State management of drinking water programs
- Providing funding and technical assistance for small systems that provide drinking water to the public
- Reducing monitoring burdens
- Preventing pollution by effectively protecting drinking water sources

EPA will improve the performance of the drinking water regulatory program -- without the need for legislative changes -- in three areas:

- Establishing priorities for rulemaking based on health risks. EPA is seeking a delay for all court schedules for drinking water and, based on a reassessment of health risks posed by contaminants in drinking water and consultation with all stakeholders on regulatory priorities and approaches, EPA will set new priorities and schedules for drinking water rulemaking.
- Encouraging voluntary treatment. EPA is working with water suppliers and States to develop a voluntary program to improve the treatment of drinking water so as to reduce the occurrence of bacterial and other microbiological pathogens.
- Simplifying monitoring requirements. EPA will streamline monitoring requirements for chemical contaminants in drinking water and allow further "tailoring" of monitoring based on the existing quality of the drinking water source.

## **5. Expand use of risk assessment in local communities**

**Action:** Promote risk-based decision making in communities and States by providing training and easy-to-use risk assessment tools.

**Background:** EPA uses risk assessment in most of its decisions -- from setting standards to clean-up of contamination. However, while some States and communities are proficient in risk assessment, most are not. The general public is not familiar with how risks are assessed, what assumptions are being made, and how they affect the outcome. Simplification of risk assessment methods and development of tools that non-specialists can understand and apply is needed so that risk assessment can be used more broadly as one tool to inform local decision-making.

**Description:** EPA will work with communities and states to identify available tools that meet specific community needs. This project will initially focus on four activities:

- Computer programs -- EPA will make available computer software, including the "Risk Assistant" program, that allows communities to perform simple risk assessments.

- Data bases -- There are a number of data bases, such as the Integrated Risk Information System (IRIS), that contain information about specific chemicals and that are used in preparing risk assessments. The combined use of these data bases, community-specific exposure information, and simple risk assessment programs will enable communities to conduct risk assessments. EPA will develop a simple, consolidated user friendly data base (on a CD ROM ) that can be supplied to communities at cost.

- Training and information materials -- While the computer program and the data bases will allow risk assessments to be done in a much easier fashion, training and background information on risk assessment are also needed. EPA will prepare a set of background documents on risk assessment and a training course on the application of risk assessment tools. Ultimately, EPA plans to develop a self teaching course using video and other electronic means.

- Comparative risk techniques -- The comparison of risks involves combining technical aspects of risk assessment with social values. EPA will continue to develop comparative risk approaches, through state and local demonstration projects.

## 6. Flexible funding for states and tribes

**Action:** Award grants to states and tribes that combine funds from several EPA grant programs - to allow flexibility, so that limited resources can be directed to the most significant problems.

**Background:** EPA provides several grants to states and tribes to assist them in administering environmental protection programs. In FY 1995 approximately \$600 million will be awarded to states and tribes for program implementation of the Clean Air Act Amendments, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, and other statutes. Funds awarded in each of these categorical grants are for a specified program or activity and are subject to specific limits on eligible activities.

The states and tribes have difficulty integrating programs in a common sense way, or targeting funds to highest priority environmental problems. Recognizing this problem, the Agency has been awarding grants to Indian tribes to conduct planning and to develop and establish multimedia programs. In FY 1995, EPA is conducting demonstration projects with four states to enable them to better coordinate certain activities such as watershed protection and facility inspections which are currently conducted under separate EPA grants. These demonstrations are being run using existing authority - which is limited and cannot be expanded to cover the full range of state and tribal environmental protection needs.

**Description:** The Administration will seek legislative authority for FY 1996 to award Performance Partnership Grants to states and federally-recognized Indian tribes. If the Agency receives this authority, Performance Partnership Grants will enable eligible states and tribes to combine funds which would otherwise be awarded as categorical grants.

The major benefit of Performance Partnership Grants, will be to improve the ability of states and tribes to integrate programs. They will afford states and tribes flexibility to focus resources on the most serious environmental problems. Performance Partnership Grants will encourage broad intergovernmental dialogue, and encourage public participation in environmental decision making.

## 7. Sustainable development challenge grants

**Action:** Encourage community, business, and government to work cooperatively to develop flexible, locally-oriented, approaches that link place-based environmental management with sustainable development and revitalization.

**Background:** Significant accomplishments to improve the environment have occurred over the past 20 years. To ensure continued progress in environmental protection, EPA wants to help localities develop comprehensive, place-based management strategies that reline sustainable economic development with sound environmental practices.. The concept of this pilot grants program is to challenge communities to produce their own coordinated programs within legislatively-set national objectives.

The intent is to spark innovative and sustainable economic development which is linked to comprehensive ecosystem management and environmental performance. These grants Will provide seed funding to catalyze formation of a Coalition of stakeholders who will develop and implement a program to comprehensively address local environmental problems.

**Description:** Patterned after the Empowerment Zone/Empowerment Community Initiative, this sustainable development challenge grant will be a nationwide competition with wards bsaed on the proposed project's level of stakeholder involvement project funding requirements and the proposal's demonstration of availability of other sources of funds..

The process will be open to states, regions, or localities. The application process would include demonstrating the relationship of the project to a comprehensive cross-media, environmental needs assessment of the area, the preparation of which would necessitate local Stakeholder participation and involvement Challenge grant recipients must leverage direct private sector investment in place-based environmental protection. Any variance from the approved needs assessment -would be reviewed at the regional level. Eligibility for all subsequent challenge grants will take into account the demonstrated effectiuveness of prior challenge grants.



## 8. Regulatory negotiation and consensus-based rulemaking

**Action :** the use of regulatory negotiation and other **consensus-based** decision processes.

**Background:** EPA has been a pioneer in the use of consensus-based decision making to develop regulations. In the most formal of these consensus—based approaches -regulatory negotiation ("reg neg") - EPA and representatives of all major groups affected by a particular regulation try to reach agreement on regulatory requirements. This process not only improves the quality of rules but increases public acceptance and minimizes litigation. Even when full agreement cannot be reached regulatory negotiation can help identify issues and options, educate interested parties and narrow areas of dispute.

Although regulatory negotiation is the most well known consensus-based procedure for developing rules, EPA has experimented with other less formal methods to consult with affected parties, promote useful information exchange, and find common ground on controversial issues. These range from continuous policy dialogue to ad hoc discussion forums to public meetings and focus groups.

**Description :** After a number of years of successful experimentation with regulatory negotiation and other consensus-based rulemaking tools, EPA will now routinely evaluate the appropriateness of using consensus-based rulemaking every time it issues or revises a regulation. By June 1, 1995, EPA will examine all regulations currently under development and identify candidates for regulatory negotiation and other forms of consensus—based decision-making.

The Agency will also seek to expand its use of informal negotiation in other settings, such as the current practice of negotiating test rules to determine unknown risks of existing chemicals under the Toxic Substances Control Act .

## **9. 25% reduction in paperwork**

***Action:*** By June 1, 1995, identify obsolete, duplicative and unnecessary monitoring, recordkeeping and reporting requirements -- with a goal of ultimately reducing existing paperwork burdens by at least 25%.

***Background:*** Virtually all EPA programs require regulated entities to undertake environmental monitoring, to maintain records and to periodically report information to EPA. The information generated by these requirements is used to determine what pollution controls are necessary, to ensure compliance with pollution control requirements, and to obtain information on the impact of pollution and pollution controls on the environment.

Most of EPA's information collection requirements have been developed at separate times over many years to meet the needs of individual environmental programs (e.g., the hazardous waste program, the water pollution program). As a result, some of the requirements are not well-coordinated within or across programs and are duplicative or inconsistent. Some requirements are also not well-integrated with State programs for collecting environmental information. Finally, some requirements have not been reviewed recently to ensure that they are still necessary and that they reflect the latest developments in monitoring techniques, environmental management and information collection technology.

***Description:*** By June 1, 1995, EPA will review all of its monitoring, recordkeeping and reporting regulations to identify requirements which are obsolete, duplicative or unnecessary, and which can be corrected quickly through administrative or regulatory actions. When this initial review is completed, EPA will commence rulemaking to make appropriate changes. Throughout calendar year 1995, EPA will work extensively with States, local governments, industry and environmental groups to determine other requirements that should be revised or eliminated and what types of revisions are necessary. At the end of the year, EPA will announce a broader program of paperwork reforms that will entail numerous rule-by-rule revisions.

EPA's ultimate goal is to reduce existing monitoring, recordkeeping and reporting burdens by at least 25%, giving special emphasis to requirements imposed on States, localities, and small business. To attain this goal, EPA plans to fully examine not only the need for requirements, but also how essential information can be collected and provided at lowest cost. Among other things, the Agency will test the use of "one-stop" reporting (see High Priority Action 9) and explore how technology (such as electronic data interchange) can be used to reduce paperwork burdens and improve the timeliness and usefulness of information received.

## 10. One-stop emission reports

**Action:** Consolidate environmental reports and provide "one-stop" reporting for the regulated community.

**Background:** Environmental data is collected by EPA and its state partners under a variety of statutory and regulatory authorities. This approach is potentially duplicative and burdensome to industry, and also makes the use of data by the public (and even by EPA and the states) difficult. New approaches and information systems are needed that can reduce reporting and paperwork burdens for industry, foster multimedia and geographic approaches to solving environmental problems, and provide the public with meaningful, real-time access to environmental data.

**Description:** To replace the multitude of reporting forms currently required for all the different types of pollution discharged from a single facility, EPA will create a "one-stop" reporting system for the collection of routine emissions data. EPA will also provide easy public access to this environmental information.

Achieving this goal will require a fundamental re-engineering of how EPA, the states and the regulated community manage information. Given the enormity of this change, this initiative will be developed in stages. Eventually, this new system will create a common set of basic information for all programs, starting with unified facility identification information and a common chemical nomenclature. Pilot projects with the states and industry will be used to evaluate and refine the "one-stop" program.

Of course, information such as discharge monitoring and emergency release reports that are essential components of the compliance program would continue to be submitted.

The easy public access and consolidated reporting provided by the one-stop system will improve environmental information management and save industry, states, municipalities and the federal government time and money.

## 11. Consolidated federal air rules

**Action:** For any single *industry, such as the chemical industry* all Federal air rules will be incorporated into a single rule with one set of emission limitations, monitoring, recordkeeping and reporting requirements.

**Background:** Over the past 25 -years, EPA has issued a series of national air regulations many of which affect the same facility. Some facilities are now subject to five or six national rules, often affecting the same emission points. Each rule has emission control requirements as well as monitoring recordkeeping and reporting requirements.

These requirements may be duplication, overlapping, or worse - contradictory. It is often difficult for plant managers to determine compliance strategies to satisfy all requirements and for State and local permitting agencies to determine the applicability of different requirements for permitting purposes. Resources are often wasted by both industry and states and localities in “sorting out” and complying with the panoply of multiple requirements. Moreover, as the Agency continues to issue new air toxics rules mandated by the CAA, the problem is compounded.

**Description:** Whenever one of the new air toxics rule is written all existing Federal rules applicable to the industry sector will be reviewed to determine whether their provisions either need to be eliminated or incorporated into the new rule. Affected industries will be consulted to identify duplicative and conflicting provisions and to provide assistance in drafting the single rule.

The chemical industry has agreed to work with EPA’s air program to explore this approach. If the approach is successful with the chemical industry, it will be expanded to air rules for other industry sectors. EPA will then consider extending this program to water and waste requirements.

## 12. Risk-based enforcement

**Action:** Target enforcement, through a series of coordinated actions, to violations that present the most serious threats to human health and the environment.

**Background:** Enforcement actions are most valuable when they deter violations that could cause serious harm to the environment or public health. Directing enforcement actions according to risks and patterns of noncompliance will make the most effective use of limited resources. Additionally, reducing inspections of facilities with good compliance records will free up resources for the most serious noncompliance and risk problems.

Providing greater access to data about compliance history and environmental performance will help State programs set priorities. Additionally, making this information available to the public will allow communities to track progress and compare similar facilities. It may also lead to development of objective environmental performance ratings by private sector organizations.

**Description:** To guide EPA enforcement actions by the significance of the environmental and health risk, EPA will:

- Require enforcement personnel to calculate the environmental benefits of each enforcement case -- beginning this year
- Reduce inspections of wastewater discharges and hazardous waste facilities that have outstanding compliance records
- Provide the public with data on compliance history and environmental performance for facilities within at least five industrial sectors -- by the end of 1995
- Evaluate six risk assessment methodologies, and by September, 1995, identify one or more that may be used to assess the relative risk of specific facilities based on emissions to all environmental media. These methodologies will then be submitted for scientific peer review.

### **13. Compliance Incentives for small businesses and communities**

***Action:*** Allow small businesses, which are minor sources of pollution and which receive compliance assistance, with a six-month grace period to correct violations.

***Background:*** Even small businesses that are minor sources of pollution may collectively have a substantial impact on the environment. In order for states to achieve local air and water quality standards, new ways need to be found to bring these sources into compliance.

Many small businesses want to be good citizens in their communities, but need information about how to comply with environmental requirements. Some are unlikely to ask for help because they fear possible enforcement action. Many states view as futile enforcement against small companies that often lack the ability to pay any significant penalty. States are more interested in using inspection staff to provide compliance assistance.

***Description:*** EPA will provide small businesses which are minor sources of pollution a grace period of up to six months to correct violations identified by federal or state compliance assistance programs. No penalties or enforcement actions will be assessed for any violations discovered through participation in these programs, and corrected during the grace period. EPA will exercise its discretion to extend the grace period for facilities that are making a good faith effort to comply, but need additional time. A similar approach will be used for small communities.

A grace period will encourage companies to request help and to achieve compliance. The program includes appropriate safeguards to protect public health and the environment. For example, the grace period will not be available to shield criminal conduct or delay action to correct violations that present a serious threat to public health and the environment.

EPA has experimented with this approach under the Clean Air Act. EPA is now extending the approach to violations of other statutes.

## 14. Small business compliance assistance centers

***Action:*** Establish national compliance service centers for metal finishers, printshops, auto service stations and other small business sectors that face substantial federal regulation.

***Background:*** Certain small business sectors face substantial compliance costs under more than one of EPA's programs. Noncompliance rates are high in these industries. In order to achieve compliance, small businesses in these industries need requirements explained in plain English, cost-effective waste prevention opportunities identified, and paperwork held to a minimum.

States and trade associations sometimes provide technical assistance to these sectors, but efforts tend to be ad hoc or fragmented. In this initiative, the federal government will serve as "wholesaler" of information, to support state programs and trade associations that provide "retail" services to small business customers.

***Description:*** EPA will establish national compliance assistance centers that will:

- Assist state and local agencies and trade associations to develop "plain English" guides to regulations
- Identify low-cost strategies to achieve compliance
- Develop ways to consolidate reporting and cut paperwork for client industries

EPA and the Department of Commerce will jointly announce the establishment of a national compliance assistance center for metal finishing this spring, and new centers for auto service stations and the printing industry later this year.

The long term plan is to establish one national compliance center for each small business sector, which would work with the trade association and state programs providing technical assistance for that particular industry.

## **15. Incentives for auditing, disclosure and correction**

**Action:** Establish a new compliance incentive policy for regulated entities that audit their own operations, and agree to voluntarily correct and publicly disclose violations -- with special emphasis on small businesses and communities.

**Background:** EPA's enforcement policies should encourage compliance with the law and voluntary disclosure and correction of violations. Such policies promote cooperation, rather than confrontations in enforcement.

**Description:** EPA will institute a compliance-incentive policy for regulated entities with a record of compliance with environmental laws. Under this policy, regulated entities will face penalties no greater than the economic benefit gained from any violations. In addition, EPA will effectively waive penalties for minor violations, as well as more punitive "gravity based" penalties. EPA will not conduct criminal investigations of companies that voluntarily disclose and promptly correct violations.

This policy takes effect immediately. The Agency will develop more detailed guidelines based on a consultative process with state, industry, and public interest groups.

EPA will continue to recover the economic benefit that companies may have gained from violations, to preserve the level playing field for those who make an early investment in compliance. The policy also includes safeguards to prevent abuse. For example, penalty reductions would not be available for criminal conduct, violations that result in serious environmental harm, repeat violations, or involuntary disclosures. EPA also reserves the right to investigate any individual or employee for criminal misconduct, even when not proceeding against a corporation.

EPA's proposal offers a positive alternative to across-the-board privileges and immunities that could be used to shield criminal misconduct, drive up litigation costs, and create an atmosphere of distrust between regulators, industry, and local communities.



## 16. Self certification

**Action:** Eliminate unnecessary paperwork and review associated with permitting and registration -- beginning with pesticide registration and expanding to other program areas.

**Background:** Self certification means that regulated parties may notify EPA that they are in compliance with EPA's requirements, and EPA then accepts that certification rather than reviewing the company's performance. Self certification may offer substantial savings for the regulated businesses and for regulatory agencies. Pesticide registration, for example, is one area where significant time and cost savings are likely:

- Self certification for low-risk amendments to product registrations will reduce EPA's work load and greatly accelerate approval of many amendments. Approximately 20% of the 6,500 amendments received annually may qualify for self certification, which would result in a time savings for each action of three to four months.
- Self certification of acute toxicity studies will speed applications for new products by eliminating the need for EPA to exhaustively review data. Many of the 600 applications with data received each year would benefit from these changes.
- A computer program which determines the proper precautionary ("warning") labeling for a product will enable registrants to submit correct labeling and help EPA staff to assure that labeling is acceptable. This computer program could reduce review time by five to six months and help minimize the number of applications which are rejected for incorrect labeling.

**Description:** EPA will pilot a program to test standards for self-certification of compliance with specific companies. Self certification, if publicly credible, can offer an alternative to traditional government inspections. In addition, EPA will substantially streamline the pesticide product registration process -- using self certification.

In broader application, self certification could reduce reporting of activities which do not involve environmental measurements or significant risk. For example, self certification could extend to certain requirements of the Safe Drinking Water Act dealing with Class V injection wells, the Clean Water Act for certain types of used chemicals and the Clean Air Act under parts of the Enhanced Monitoring Rules.

## **17. Public electronic access**

**Action:** Make information from all EPA programs available through the Internet and other electronic means that Americans and local organizations can access in their homes, schools and libraries.

**Background:** EPA's public access program will enable the public, as well as State, tribal, and local governments, to be full partners in the Agency's comprehensive approach to environmental protection. An informed public is better able to recognize and protect itself from environmental risks and to ensure that environmental issues are addressed equitably.

**Description:** EPA will immediately upgrade the electronic communication of environmental information by:

- Significantly expanding the type and amount of information EPA puts on Internet, such as regulations, scientific documents and educational materials
- Automating EPA rulemaking dockets and loading them onto Internet to encourage increased public participation in the rulemaking process
- Making EPA's EARTH1 Internet server more user friendly, and expanding its capacity to host online dialogue with the public
- Implementing and enhancing the EPA Government Information Locator Service, so that people can more easily and quickly track down specific documents and information
- Providing easy access to data on major facilities and their pollutant discharges through EPA's Envirofacts database and the user friendly Gateway systems software on Internet. This will allow citizens to obtain information about environmental issues in their communities

As EPA expands its electronic information systems, it will assure that all members of the public have access to these systems regardless of social, economic, and academic status. EPA will work to build strategic partnerships with State, tribal and local governments, as well as non-governmental and commercial organizations that provide environmental information, to ensure that all environmental information is widely available. The Agency will also establish "one stop" information centers for the public; projects include instituting a "1-800-EPA-INFO" telephone number and upgrading Headquarters and Regional public information centers.

## 18. EPA center for environmental information and statistics

**Action:** Establish an EPA center to harmonize EPA information collection and management and provide for public access to quality assured environmental statistics and information.

**Background:** Environmental information will become increasingly important as EPA expands its performance and market-based management approaches. Additionally, as environmental protection is decentralized -- to states, tribes and communities -- reliable information about the condition of the environment will be needed to ensure that programs are achieving desired results. EPA will establish a customer-oriented center that will provide information and statistics on national, regional and local environmental conditions and trends that are integrated across environmental programs. The center's main function will not be to collect primary data -- it will instead focus on the integration of data collected by others. Through the center, EPA will be better able to address fundamental cross-media questions such as: What pollution sources are causing the most damage? How do geographic regions compare? How effectively are we dealing with environmental problems?

**Description:** EPA will establish, through a cooperative effort with all EPA programs, regions and laboratories, a new center that will be responsible for:

- Coordinating with federal, state and local environmental agencies that produce and use environmental data and information
- Harmonizing EPA environmental data
- Conducting cross-media assessments of data needs directed at reducing duplication and reporting burdens
- Assisting EPA programs in the development of statistically valid survey designs and the use of statistical sampling of information
- Providing statistical methods for integrating data from different federal agencies, states and localities
- Assisting in design of studies to assess effectiveness of environmental programs and strategies (e.g., pollution prevention), and in presentation of environmental information in ways that promote a multimedia perspective
- Improving public access to environmental statistics and data through the establishment of statistical data bases and systems which allow user access to all levels of data -- from the raw data to highly processed information.

## 19. Project XL

**Action:** Support initiatives by facility managers to demonstrate excellence and leadership by reducing costs of environmental management and achieving environmental performance beyond that required in existing regulations.

**Background:** Numerous - and facility managers determined that routine application of national environmental requirements is not always the best solution to their environmental problems. In particular, those with a record of environmental leadership have found that substantial cost savings can sometimes be realized when environmental quality is enhanced through more flexible approaches involving pollution prevention.

For example, a company may find that upgrading its wastewater treatment system to meet clean Water Act technology-based requirements would have a negligible impact on water quality, and that it could achieve greater overall environmental protection by redirecting its pollution control efforts toward programs to minimize hazardous emissions from unregulated sources, to recycle hazardous wastes and to reduce the use of toxic chemicals in the manufacturing process.

**Description:** On a demonstration project basis, EPA will support company projects to replace existing regulatory requirements with alternative environmental management strategies where the company can demonstrate that such strategies will achieve better environmental results than expected to be achieved under existing law. In deciding whether to approve a particular strategy, EPA will consult extensively with the affected State and the local community. The final strategy will be embodied in an enforceable document and contain provisions that will allow EPA, the State and the community to monitor progress and reward achieving results.

This initiative is intended to provide more flexibility for those "good actors" and environmental leaders that have developed creative, common sense ways of achieving superior environmental protection at their facilities. Because it raises a number of complex issues (e.g., how to measure environmental results, how to establish environmental baseline) which need to be worked out in the implementation process, EPA is proposing to test it on a pilot basis. Facilities of companies participating in the Common Sense Initiative, as well as other facilities selected by EPA will be eligible to participate in this program. Potential benefits of this initiative include:

- Increased flexibility to adopt innovative solutions to environmental problems
- Increased (and more cost-effective) environmental protection
- Improved compliance and increased use of new technologies
- Expanded use of waste minimization and pollution prevention strategies
- A more cooperative relationship between regulation, the facility, and the community

## 20. Alternative strategies for sectors

**Action:** Support and evaluate the use of EPA-industry agreements to reduce cost and achieve full protection of human health and the environment through flexible, comprehensive management approaches.

**Background:** Regulators generally do not have an overview of the entire set of requirements affecting an industry sector. Often, environmental regulations cover a wide variety of industry sectors and take a relatively uniform approach in terms of the requirements imposed on those sectors. In other cases, regulations are developed with specific individual sectors in mind, but typically cover only one or a few of many pollution source categories within the sector. The result is that companies are not generally able to plan environmental compliance investments in a comprehensive, strategic manner. This limits opportunities for pollution prevention and raises the total cost of compliance.

An alternative approach is to design requirements that respond to the conditions in an industry sector. Based on such designs, EPA and industry groups would voluntarily negotiate agreements incorporating these requirements. EPA-industry agreements would be supplemented by company-level agreements that translate the industry-wide commitments into obligations for specific companies and facilities.

**Description:** The six industries participating in the Common Sense Initiative (CSI) will be the initial candidates from which 2-4 industries will be selected. Selection will be based both on industry willingness and on the interest of other CSI stakeholders in applying the agreement approach to a specific sector. Once an industry has been selected, CSI stakeholders will try to agree on the environmental improvement goals to be met by the sector as a whole, and the best means of translating the sector-wide goal into a company-specific improvement target.

An explicit goal of this project will be to identify the feasibility of using industry agreements as a complement to, or as a replacement for, the current system of establishing industry and facility environmental requirements. Industry agreements will operate on a substantially larger scale than facility-specific agreements. This may mean greater opportunities to identify cost-effective means of achieving environmental quality goals, as well as economies of scale for monitoring, employee education and public participation. It may also be a way for small businesses within an industrial sector to participate where it would not be possible at the facility-specific scale.

## **21. Alternative strategies for communities**

**Action:** EPA will support the development and implementation of community-driven strategies to integrate environmental quality and economic development goals at the local level.

**Background:** Continued progress in achieving environmental quality and economic development will depend on greater involvement of communities in designing local solutions to local problems. In the current regulatory structure, local communities are seen as implementors of Federal or State programs rather than as designers of effective environmental strategies.

Community-based environmental management includes local assessment and ranking of environmental problems, community education about these problems, and locally-developed strategies to address them. These strategies can be reinforced by leveraging regional and strategic planning; through technical assistance and information tools; and, by facilitating intergovernmental and public-private partnerships.

Community-based environmental strategies must be integrated with, and supportive of, community economic development goals.

**Description:** In this limited pilot program, EPA, working with other federal agencies as appropriate, will build upon the experience gained in the Administration's Empowerment Zone and Ecosystem Management Initiatives. The agency will assist a limited number of communities (towns and townships, counties, cities, metropolitan areas) in developing and implementing alternative strategies to achieve environmental quality and economic development goals. Two kinds of communities will be considered:

Communities which propose alternative environmental management strategies that make more sense in a particular community or geographic area and that will *exceed* existing environmental requirements. These strategies could benefit from a wide range of innovative planning and financing approaches, but would be expected to meet existing legal deadlines.

Communities which lack the financial or technical resources to meet existing requirements, but are willing to enter into enforceable agreements to make progress toward meeting environmental standards. These agreements would often extend across more than one environmental program area and would recognize the need for flexibility in approach or timing.

Both approaches will involve setting and achieving verifiable environmental results, as well as citizen or community participation in setting goals and monitoring results.

## 22. Alternative strategies for agencies

**Action:** Demonstrate alternative environmental management strategies - that lower cost and produce greater environmental quality - at selected Department of Defense installations.

**Background:** Government installations face challenges similar to industrial facilities and communities in complying with environmental regulations at lowest Cost. Government agencies are interested in testing management alternatives that can replace EPA's traditional ways of doing business. EPA will establish a government sector project, beginning with Department of Defense, that will identify ways of achieving greater environmental results than are possible under existing regulatory requirements - at less cost to the taxpayer.

The common theme of this pilot is to make government agencies more accountable for achieving environmental results while granting them flexibility in how those results are achieved. EPA will seek to involve state and local environmental officials in the design, selection, implementation and review of pilot projects and the program as a whole. It will also seek to empower citizens in surrounding communities in the environmental management process.

**Description:** EPA and the Department of Defense (DoD) have established a partnership to test alternative environmental management strategy at selected DOD facilities. Under this initiative, DoD base commanders in cooperation with EPA and with relevant state agencies, will develop and implement strategies that produce greater environmental protection than would be achieved under existing regulations.

A major focus of these actions will be near-term investment in pollution prevention approaches that reduce compliance and remediation costs in the long run.

To ensure full citizen involvement in this process, DOD will produce high quality and understandable environmental information that allows citizens in the communities surrounding DOD installations to fully participate in the decisions.

EPA will provide technical support for all EPA - areas (i.e., water, air, waste). Strategies developed under these projects will be enforceable results will be independently verified.

## **23. Piloting third-party audits for industry compliance**

**Action:** Test standards for third-party auditing through Environmental Leadership pilot projects with specific companies.

**Background:** Many companies conduct periodic audits of their operations to determine whether they are in compliance with environmental requirements. While most of these audits are conducted by company employees, some are conducted by environmental consulting firms or other independent environmental experts.

If thorough and reliable, these private "third-party" audits can help provide independent verification of a company's environmental performance and compliance without the direct expenditure of government resources. Thus, third-party auditing can help EPA better focus its inspection resources on non-complying facilities.

**Description:** EPA will work with industry, States and environmental groups to test standards for third-party auditing. These standards will include:

- Procedures that auditors must follow to detect violations and prevent non-compliance
- A requirement for periodic EPA inspections to verify the accuracy of audit reports
- Mentoring projects to help small businesses achieve compliance
- Requirements concerning the public availability of audit results.

EPA's project will build on existing private sector standards.

On April 1, EPA will announce pilot projects to test third-party auditing with twelve partners from the public and private sectors. The Agency expects to complete these projects within one year.



## 24. Multi-media permitting

***Action:*** Pilot test "one-stop" permitting to reduce paperwork and procedural burdens, avoid duplication and inconsistencies, and assure more comprehensive environmental protection.

***Background:*** Many facilities must obtain multiple environmental permits in order to operate, addressing releases of pollution to several environmental media (e.g., air, water, soil). In many cases, these permits are issued at different times and by different permit authorities.

The absence of a single, coordinated permitting process has created problems for both permittees and regulators. Permittees frequently find themselves preparing multiple applications and going through multiple permit proceedings to obtain all the necessary permits for a single facility. Multiple permits may not adequately address all environmental problems (as some problems may "fall through the cracks"). Further, because they do not address environmental problems holistically, multiple permits may result in the undesirable cross-media transfer of pollutants. Finally, these permits may contain overlapping, poorly-coordinated and contradictory requirements.

***Description:*** EPA will pilot test the feasibility of issuing a single environmental permit for facilities which currently require multiple permits. Permittees at pilot facilities would submit a single application for a single permit setting forth all the pollution control and clean-up requirements for that facility. EPA will work with the permittee, the affected State and local communities to assure that all releases from a facility are addressed, that permitting requirements for all media are well-integrated, and that duplication and inconsistencies are avoided. This approach will promote "common sense" solutions to multimedia pollution problems and encourage the use of pollution prevention.

In addition, EPA will establish multimedia Regional permitting teams to better coordinate the issuance of multiple permits to individual facilities. This will be a useful "first step" in testing the feasibility of the multimedia pilot program described above.

## **25. Design for the Environment – "Green Chemistry Challenge"**

**Action:** Promote pollution prevention and industrial ecology through a new EPA Design for the Environment partnership with the chemical industry.

**Background:** Design for the Environment partnerships with the chemical industry can encourage changes that both promote economic development and benefit the industry by helping find cost-effective ways to prevent pollution. Publicity associated with the awards program, coupled with financial prizes provided by the chemical industry, can provide a strong incentive for broad industry cooperation.

**Description:** The program would set up financial incentives and an EPA award system for companies that address the following pollution prevention goals:

- Making more chemicals from renewable resources. By increasing the use of renewable resources in the development of chemicals, the amount of toxic inputs would be reduced.
- Substituting new, safer solvents that do not contribute to air pollution. Since the use of traditional solvents contributes to a wide range of air pollution problems -- including stratospheric ozone depletion and smog -- companies will be asked to find processes where new, safer solvents can be used.
- Designing chemicals that are manufactured more safely and that are safer for the environment.

The challenge is for industry to find cleaner, cheaper and smarter ways to produce the materials we depend on. EPA will work cooperatively with industry to establish this program, provide technical assistance in designing safer processes, and track the reductions achieved in the use, manufacture, and release of harmful chemicals.

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## APPENDIX B

### OTHER SIGNIFICANT ACTIONS

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#### *Performance and market-based regulations*

- 1 **Facility-wide air emissions.** EPA will conduct several demonstrations of facility-wide limits for air emissions that allow companies increased management flexibility and to use least-cost control options. This approach will significantly reduce the amount of time industry must devote to permitting activities and save millions of dollars in permitting costs.
- 2 **Flexibility in meeting effluent discharge deadlines.** EPA will propose targeted Clean Water Act revisions to extend compliance schedules for industrial wastewater treatment standards, for companies that apply innovative treatment approaches that prevent pollution. This will create incentives for pollution prevention.

#### *Setting priorities based on sound science*

- 3 **Eliminate millions of storm water permit applications.** EPA will set up a formal process with all stakeholders to limit storm water control requirements to only those facilities where a water quality problem exists. This would exempt millions of sites (small municipalities, and light industry and commercial sites -- nearly 80% of the universe now subject to regulation) without any significant impacts on water quality.
- 4 **Exempt low-risk pesticides and toxic chemicals from regulation.** EPA is proposing to exempt 31 low-risk active ingredients and 160 inert ingredients from pesticide regulation (resulting in substantial economic benefits to manufacturers). A similar exemption will be proposed for low-risk chemicals under TSCA, for which manufacturers must now submit premanufacturing notices. This action could yield a 25% reduction in this notification.
- 5 **Environmental forecasting to anticipate future environmental problems.** EPA will establish a program to help identify and study emerging environmental problems. This anticipatory effort will attempt to lessen the need for rapid future decisions made using a weak science base, and should enable the United States to avoid expensive environmental control and clean-up programs. This activity will be guided by a new report by the EPA Science Advisory Board (*Beyond the Horizon: Using Foresight to Protect the Environmental Future*, 1995).

## ***Building Partnerships***

- 6     **State and tribal flexibility for municipal landfill permits.** EPA will encourage states and tribes to implement a flexible, performance-standard approach for permitting municipal landfills. EPA will propose criteria for approving state and tribal programs that regulate municipal landfills. This action will enable tribes and states to implement a flexible, performance-based approach.

## ***Cutting red tape***

- 7     **Save billions on PCB disposal.** EPA will revise the PCB disposal regulations -- by reducing the number of permits required, by eliminating duplicative state and Federal controls, and by (most importantly) giving states and the regulated community the flexibility to choose less expensive disposal methods to achieve health standards. The estimated savings from this action is two to six billion dollars per year, for as much as thirty years.
- 8     **Simplify air permit revision requirements.** EPA will develop a streamlined process for revising air quality permits. This will enable a state to build on its existing programs and avoid creating unnecessary and prescriptive regulations. This may save thousands of review hours and millions of dollars.
- 9     **Simplify review of new air pollution sources.** This first major reform in 15 years will provide greater flexibility, significantly reduce the number of industry activities that are subject to major new source review, reduce time delays in permit issuance, and create incentives for use of innovative technologies. The project will reduce regulatory burdens for many facilities and should result in at least 25 percent fewer permit reviews.
- 10    **Simplify water permit paperwork.** EPA will reduce the paperwork burdens for municipalities and businesses by simplifying the permit application forms for water discharges.
- 11    **Streamlining RCRA corrective action procedures.** EPA will promote "faster, better" cleanups under RCRA. The Agency will propose a rule that responds to number of promising ideas that were identified through discussions with outside stakeholders, such as reducing government oversight and expediting use of interim protective measures. This rule could save two billion dollars annually.

### ***Better accountability, compliance and enforcement***

- 12 Flexible compliance agreements for specific industries.** Working with industries, EPA will develop experimental EPA/Industry Compliance Agreements to allow companies to disclose violations and correct them in a timely manner. In exchange for these voluntary disclosures, EPA would agree to reduce the size of the penalties. The agreements will provide a specified time period during which industry may come to EPA and sign the agreement.

### ***The power of information***

- 13 Independent study on collecting and using information more effectively.** EPA will commission an independent study that will provide recommendations to improve data collection and management at EPA. These recommendations will be used to design a center for environmental information and statistics.
- 14 Electronic data transfer.** EPA will establish a system to allow facilities to report monitoring results electronically. This will help reduce monitoring burdens while enhancing enforceability or accountability.

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## **APPENDIX C**

### **THE CLINTON/GORE RECORD: TWO YEARS OF PROGRESS**

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#### ***PERFORMANCE AND MARKET-BASED REGULATION***

**Slashed Toxic Air Pollution from Chemical Plants with a Flexible New Regulation:** EPA issued an air pollution regulation of unprecedented scope that will reduce emissions of over a hundred hazardous organic pollutants by nearly 90% by early 1997, protecting the health of Americans who live near chemical facilities in 35 states. This regulation clearly signified EPA's objective to move from a one-size fits all regulation to an approach based on flexibility, innovation and common sense. This regulation provides flexibility by allowing businesses to continue to emit from pollution sources that are not cost-effective to control if extra reductions are achieved at other vents in the same plant. Businesses can implement cost effective, common-sense control measures and do not need to install the same stringent level of technology on each source of pollution in their plant, as had been traditionally required. This approach will result in both cleaner and cheaper results and firms that take advantage of this flexibility to reduce costs will be asked to make an extra 10% reduction in their overall emissions. Among the benefits of this regulation are greater protections for public health, increased crop yields, less destruction of animal habitat, and a reduction in smog equivalent to taking 38 million cars off American roads.

**Marshaled the Government's Buying Power to Promote Recycled Products and Environmentally Safer Products:** The Clinton Administration recognized that the biggest barrier to the recycling of municipal solid waste is the lack of a mature market for recycled products, and set out to help change that by issuing an Executive Order requiring the federal government to buy recycled goods and thereby build demand. EPA has led efforts to implement that order and proposed last April a major guideline designating 21 additional items Federal agencies should buy with recycled content, including commonly used items such as plastic trash bags, concrete and carpeting. EPA also drafted separate guidance for Federal procurement officials to help them determine which other products are environmentally preferable.

**Issued A National Plan to Prevent and Recycle Hazardous Waste:** To implement the Clinton Administration's priority emphasis on pollution prevention and recycling of hazardous waste, EPA released last fall a national blueprint to reduce toxic, persistent and bioaccumulative constituents in hazardous waste by 25% by the year 2000 and by 50% by 2005. The blueprint enlists an array of regulatory and especially non-regulatory measures and

maps out a consultative process with state governments, industry and other stakeholders to ensure that the strategies employed will be based on consensus and tailored to local needs. The plan allows companies that have already made strides in this area to take credit for their actions and foresees flexible reduction levels across facilities that will add up to the aggregate goals of the plan.

**Rewarded Early Performance in Cutting Air Pollution with Flexibility:** EPA launched an Early Reductions Program that provides facilities that emit hazardous air pollutant sources with a six-year extension to a Clean Air Act compliance deadline if they achieve over 90 percent of their pollution reductions ahead of schedule. EPA also offered a new and more flexible framework than the customary one for demonstrating these reductions so that businesses would find it more cost-effective to choose this alternative.

**Gave Businesses Choice to Opt-In to the Acid Rain Permit Trading System:** EPA established a voluntary program allowing businesses with combustion facilities such as boilers and turbines to join the Acid Rain trading system and receive allowance permits for their annual sulfur dioxide emissions. These businesses can then trade their permits or sell them for a profit if they can reduce emissions below their customary level. This innovative market approach provides new choices and incentives to businesses that are not required to observe a particular regulatory limits. The benefits of this approach include reduced emissions which contribute to acid rain and greater health protections. Public health benefits of reducing acid rain include greater prevention of respiratory illnesses, with a monetary savings estimated at \$69 billion through the year 2010 due to decreased mortality, hospital admissions and emergency room visits. Environmental benefits include protecting aquatic life in streams and lakes and preventing the decline of forests. Other economic benefits include reduced costs of compliance for the electric utilities that are required to be in the Acid Rain trading system, for example, businesses that choose to join can reduce their emissions and then sell their left over emission entitlement to utilities facing higher control costs (and which therefore, prefer to purchase allowances that allow them to continue to emit).

**Promoted Market-Based Programs for Reducing Air Pollution:** EPA issued Economic Incentive Program rules that provide a framework for the development and use of emissions trading, emission fees and other market-based approaches for controlling stationary and mobile sources of air pollution. These market-based approaches provide economic incentives for technology vendors and industry to develop new pollution control technologies that are both cleaner and cheaper than those that would otherwise be required. A growing number of states throughout the country -- including California, Texas, Illinois, Connecticut and Massachusetts -- are implementing or actively developing market-based programs under these new rules.

## ***SETTING PRIORITIES BASED ON A SOUND SCIENCE***

**Promoted Redevelopment of Contaminated City Properties, or "Brownfields":** To reduce the incidence of Superfund cleanup requirements deterring redevelopment of inner city sites, EPA last month removed approximately 25,000 sites from the Superfund Inventory where it was determined that there was no need for further federal action. Taking them off the list has removed a major impediment to investment and redevelopment. EPA will issue guidance this year calling for quicker decisions as to which sites need further study and which may be ripe for redevelopment without extensive cleanup. Over the next two years, EPA will increase from eight to fifty the number of grants to cities for promoting economic redevelopment of these sites. EPA will issue guidance to expand the circumstances in which EPA can forge agreements with prospective land purchasers not to impose liability if the land in question was contaminated prior to purchase. Another imminent EPA guidance will clarify EPA's policy of freeing lenders of cleanup liability if they are not directly managing a contaminated facility.

**Strengthened the Quality and Credibility of EPA Science:** EPA instituted an expanded peer review policy in June 1994 to require all major EPA science products to undergo external peer review prior to use in regulatory or policy decisions. EPA has committed allocating 50% of research dollars go to long-term research to develop better understanding of environmental problems and to get early warning of tomorrow's problems; the remaining 50% will be used to vigorously support the applied research needs of EPA's program and regional offices. EPA revised its research program to use risk assessment and risk management as the principal priority-setting criteria. A high priority is being placed on research to reduce the significant uncertainties that remain associated with risk assessment methodologies. EPA will shortly publish a new risk characterization policy requiring impartial presentation of risk assessments, scientific assumptions, and description of major uncertainties and data gaps. A special effort was undertaken by EPA to evaluate its laboratories, which resulted in a new organizational structure that will improve risk assessment; the new organization streamlines headquarters operations by 50 percent. EPA also doubled funding for investigator-initiated research grants in order to expand the number of first-rate, outside scientists conducting research related to EPA's mission. Initiated a new graduate fellowships program to support students on environmentally related research, while investing in the next generation of environmental scientists and engineers. Lastly, EPA updated its guidelines so that analyses of the impact of regulations will reflect the latest economic and scientific methodology, thereby enhancing understanding of the costs and benefits of regulations.

**Reduced Dioxin Risk to Americans by Cutting Municipal and Medical Waste Incinerator Emissions:** Municipal and medical waste incinerators have been identified as two of the largest known sources of dioxin, a chemical that persists in the environment for a long time and can cause cancer and reproductive and developmental defects. Incinerators also release thousands of tons of other dangerous pollutants, such as lead, mercury, and cadmium that can



cause cancer, neurological disorders, and respiratory disease. EPA's proposed standards will cut medical and municipal incinerator emissions by tens of thousands of tons, and dioxin emissions will be cut by more than 99 percent.

**Protected Americans from Lead Poisoning through Coordinated Inter-Agency Action:** Experts have called lead poisoning the number one environmental threat to children's health in the United States. Severe lead exposure can cause coma, convulsions and death. Lower levels can cause adverse health effects on central nervous system and kidneys, raise adult blood pressure and permanently impair the intelligence of children. Though blood lead levels in American children have declined over the past two decades largely due to the EPA-led phaseout of leaded gasoline, the Clinton Administration is aggressively responding to recent scientific knowledge showing that damage can be done at a much lower concentration than previously thought. Consistent with its emphasis on environmental justice, the Administration is seeking to reduce disproportionate lead exposure in inner-city children. Reflecting the Administration's strong emphasis on inter-agency collaboration, EPA co-proposed with the Department of Housing and Urban Development a regulation requiring disclosure of lead-based paint hazards whenever property is sold. EPA last fall proposed a rule specifying the requirements for training and certification of professionals who specialize in abatement of lead hazards. Last summer, EPA published public guidance on identifying hazardous levels of lead in paint, soil, and dust. Last spring, EPA proposed a rule requiring lead hazard education in relation to building renovations. EPA proposed to eliminate the remaining uses of lead in gasoline for highway use and another one to cut emissions of lead and other air toxics from secondary lead smelters by 2,400 tons each year, without affecting the price of lead to consumers. This summer, EPA will propose to restrict significant new uses of lead so that new pathways of exposure will not be created.

**Collaborated with Small Businesses in Evaluating and Designing Environmentally Safer Products and Processes:** EPA's "Design for the Environment" (DfE) Program is a voluntary program through which EPA works with businesses on a sector-by-sector basis to promote pollution prevention and to assist in developing environmentally safer chemicals, materials, and processes. The DfE program evaluates the relative environmental benefits and risks of alternative production processes, a complex analytical task that is often difficult for small businesses to do by themselves. The DfE program focuses primarily on small business-dominated sectors and is working, for example, with the dry cleaning industry to evaluate alternatives to the use of perchloroethylene (perc) in terms of their costs, effectiveness and environmental effects. Other DfE projects are underway with the printing, printed wiring boards, computer and metal plating industries, as well as with the scientific community in green chemistry. Through DfE, EPA leverages its expertise and serves as a catalyst for the broader diffusion of both information and safer technology.

**Set Priorities for Protecting Americans from Radioactive Contamination Based on Rates of Exposure:** EPA issued a final regulation to prevent contamination of groundwater in the vicinity of inactive uranium processing sites, and to set priorities for clean-up based on

relative risks of human exposure. Contaminants include both toxic and radioactive substances that can cause cancer and genetic damage. Department of Energy (DOE) studies indicate that at least 4.7 billion gallons of ground water have become contaminated as a result of these uranium contaminants. The recent issuance of this EPA standard clears the way for DOE to complete the clean-up of contaminated groundwater and provides flexibility to prioritize cleanup based on the populations affected, a far more cost-effective approach than the prevailing standard in place since 1983.

## ***BUILDING PARTNERSHIPS***

**Launched "Common Sense Initiative" to Tailor Environmental Protection Policies to Specific Industries:** To protect public health and the environment more effectively and less expensively, EPA launched a major initiative that looks at pollution on an industry-by-industry basis rather than using the pollutant-by-pollutant approaches of the past. The initiative involves everyone from manufacturers to community organizations in fashioning new strategies and approaches that emphasize pollution prevention while providing cleaner, cheaper and smarter protection for everyone. All aspects of environmental policy -- from emissions reporting requirements to needed changes in environmental laws -- are being examined. The Initiative has started by focusing on six pilot industries: iron and steel; electronics and computers; metal plating and finishing; automobile assembly; printing; and oil refining. Together they represent nearly 11 percent of the Gross Domestic Product, account for one-eighth of all toxic emissions reported to EPA, and employ four million people. Some are high-tech, other industrial; some are small business, others are large companies. The teams are: reviewing regulations to get better environmental results at less cost through increased coordination; seeking opportunities to give industry the incentives and flexibility to develop innovative technologies that meet and exceed environmental standards while cutting costs; looking at ways to change the permitting system encouraging innovation and creating opportunities for public participation; and improving environmental reporting requirements.

**Launched a New Era of Improved EPA/State Relations:** For the first time ever, the Clinton Administration has involved States and tribes in EPA's internal planning process. In July, 1994, EPA Administrator Carol M. Browner signed a Joint Policy Statement with representatives of the State environmental commissioners, outlining a new set of partnership principles including reform of the oversight process; increasing the flexibility of funding; improving communications and data sharing; and improving technical assistance and training for the states. In 1995, EPA initiated grant flexibility pilot projects in Massachusetts, New Hampshire, and North Dakota. EPA also established new processes for state and local involvement in the regulatory development process.

**Provided Assistance to Build Environmental Capacity of Local Governments and Small Towns:** EPA established a new Local Government Advisory Committee to make

recommendations on how to better address local government needs and a new Small Town Task Force with representatives from small towns across America to focus on the unique environmental and economic issues facing these communities. EPA charged its ten regional offices to establish a local government liaison function and doubled the number of EPA-supported Environmental Finance Centers to provide analysis and technical assistance to communities across the nation on financing environmental programs. EPA is conducting Regional Geographic Initiatives and Comparative Risk Projects to assist numerous communities and 27 states to help them set their own environmental priorities. EPA has also issued several user-friendly reports directed at helping local decision-makers design an effective environmental protection system.

**Launched and Expanded Voluntary, Results-Oriented Partnerships with the Private Sector:** The Clinton Administration has initiated or expanded a number of voluntary, results-oriented programs to assist businesses in identifying previously unrecognized losses associated with waste. The programs are projected to save over \$60 billion in energy costs by the year 2000, while creating jobs in efficiency and other emerging industries. EPA's most prominent examples of voluntary partnerships are contained in President Clinton's Climate Change Action Plan, which has reduced air pollution that threatens global warming and local air quality and implements a commitment to reduce U.S. greenhouse gas emissions to 1990 levels by the year 2000. The Plan encompasses a set of comprehensive and mostly voluntary actions that will produce cost-effective reductions in greenhouse gas emissions from the residential, commercial, agricultural, and transportation sectors. Some of the highlights include:

- **Climate Wise**, encourages and recognizes voluntary reductions across all sectors of the economy. Already, businesses representing 3 percent of U.S. industrial energy use have pledged to reduce annual emissions by 10 million tons of greenhouse gases by the year 2000. DuPont projects that it will save \$31 million per year as a result of actions it will take to meet its Climate Wise pledge.
- **Motor Challenge**, helps companies install high efficiency motor systems, has recruited over 100 partners, established a national technical assistance hotline and is soliciting sites for 25 showcase technology demonstrations that will help encourage rapid adoption of high-efficiency motor systems by U.S. businesses.
- **Waste WiSe**, encourages voluntary prevention and recycling of business waste and has attracted over 350 businesses.
- **Natural Gas Star**, encourages natural gas producers to adopt practices that can profitably to reduce methane losses from gas transmission lines and coal mines. The program has expanded to include over 35 corporate partners, representing over 55% of

the transmission company pipeline miles, 25% of distribution company pipeline miles, and 35% of all service connections.

- **Green Lights**, a program to encourage business and industries, local governments and other agencies and institutions to use energy-efficient lighting, has added 503 new participants since October 1993, for a total of more than 1,650. These participants have reduced lighting electricity consumption by an average of 47 percent, saving approximately \$60 million each year.
- **State and Local Outreach Program** has awarded grants to eighteen states to complete greenhouse gas inventories or develop comprehensive mitigation strategies essential for laying the foundation for actual reduction efforts. Twenty-four states have participated in the program, including seven in the "Green Fleets" initiative (to encourage procurement of energy efficient vehicles) and 25 cities in the "Cities for Climate Protection" program that helps cities save money and energy.

**Chose Voluntary Agreement Over Regulation to Cut Sludge Disposal Risks:** Instead of imposing a new regulation, EPA signed a voluntary agreement with the American Forest and Paper Association to reduce the risks associated with land disposal of pulp and paper mill sludge; includes limits on the levels of dioxin in sludge that is disposed on land; and limits on subsequent use of that land. The affected companies were able to avoid a prescriptive regulation, and EPA accomplished its environmental goals with the agreement's provision for site management practices, a testing program, a program for distributing and marketing sludge products, and record keeping and reporting requirements.

**Implemented Executive Order to Promote Environmental Justice:** Since the year since President Clinton signed Executive Order 12898 on Environmental Justice, EPA has convened a new Interagency Federal Working Group to establish criteria for identifying disproportionate impacts on minority and low-income populations, and coordinate research and projects with other federal agencies. EPA also formed a Federal Advisory Committee -- the National Environmental Justice Advisory Council -- to bring a cross-section of local and national perspectives to bear on preparing EPA's environmental justice strategic plan, which will be issued this spring. Among the concrete, field projects underway is a pilot project at the Del Amo, California Superfund site, where EPA awarded a grant to establish a health services facility to provide environmental health education and medical testing for residents. EPA also established a partnership with Morgan State University to train teachers to serve as community resources for information on hazardous waste issues and government decision-making. EPA also provided critical guidance for the Administration's Empowerment Zone/Enterprise Community Program, which boosts sustainable development efforts in disadvantaged communities.

**Enhanced Community Participation in Superfund Cleanups:** Through its Brownfields Action Agenda, EPA is working in partnership with state and local governments, communities, industries and small business to clean up contaminated sites in cities across the country to bring them back to life and create jobs. EPA has encouraged the establishment of community advisory groups to increase community participation in cleanup decisions at Superfund sites. EPA is also expanding the use of Technical Assistance Grants, which are given to citizen groups around Superfund sites.

**Expanded Public Participation in Hazardous Waste Permitting:** For the first time in the 15-year history of the Federal hazardous waste program, EPA has proposed a rule that will permit applicants to make information available to local communities about the facility and meet with local citizens prior to submitting a permit application. The permitting agency, whether EPA or the state government, will be required to notify the surrounding community once the permit application is received and will be given flexibility to tailor the level of public input to community interest leading up to the permit decision.

**Worked with States to Manage Petroleum-Related Wastes Rather than Imposing New Federal Regulations:** EPA pursued an innovative alternative by granting seed money to an organization of oil and gas producing states to work together with industry, environmental groups and communities to develop guidelines for state programs to manage these wastes. After the guidelines were developed, EPA funding and technical assistance was also provided for teams of state officials to peer review the adequacy and weakness of each state program. The process created both support for the guidelines and an incentive to upgrade state programs without imposing rigid federal requirements.

**Initiated New State-Local-Tribal Partnerships to Design More Efficient Waste Management Plans:** EPA provided assistance to the Cherokee Tribe to build a pilot partnership with neighboring Jackson and Swain counties in North Carolina to develop a regional solution to solid waste management problems. The initiative prompted exploration of joint partnerships for recycling and equipment purchases. EPA views the success of this project as a demonstration to state, local and especially tribal governments, that have often been at odds, of the genuine environmental and human health results that can be gained through partnerships that do not threaten sovereignty. EPA is promoting this concept nationwide.

**Promoted Streamlining of State Waste Management Regulation:** As a pilot project, EPA's Seattle office recently authorized the State of Washington to carry out the hazardous waste corrective action program under the state's Superfund authority. Most states have Superfund programs, whereas only a few states have requested authorization to manage their own Resource Conservation and Recovery Act (RCRA) corrective action programs. Under the Washington arrangement, the overlapping Superfund and RCRA programs have been coordinated to eliminate the need for the state to develop an entirely separate and duplicative cleanup bureaucracy. EPA is working to expand this approach around the country, while encouraging more states to undertake their own corrective action programs instead of continuing to cede Federal control.

**Launched Project to Set National Environmental Goals:** EPA has launched a major initiative to develop ambitious long-range goals for America's environment and measurable 10-year benchmarks to mark success toward those goals. EPA conducted nine major public roundtables throughout the country with a cross-section of Americans, including business leaders, environmental advocates, government officials and labor representatives. By enhancing the national consensus concerning measurable outcomes, the Goals Project has created a new opportunity to shift government policy away from prescriptive dictates to flexible, performance-based approaches.

**Developed Historic Water Management Plan for California, Protecting Farmers, Urban Drinking Water and Endangered Fish:** After two years of intensive consultation with affected constituencies, EPA published final water quality standards for the San Francisco Bay/Delta. As the West Coast's largest estuary, the Bay/Delta supplies habitat for over 120 fish species and large populations of waterfowl as well as irrigation water for 45 percent of the Nation's fruit and vegetables. The innovative protection plan encompassing EPA's water quality standards was jointly developed by federal government agencies, the State of California, businesses, urban and agricultural water agencies and suppliers, and environmental advocates. The plan takes a comprehensive, ecosystem approach rather than a single-pollutant, individual source approach, and will provide many benefits to the millions of Americans depending on the Bay/Delta. It will help arrest the severe and continuing decline of Bay/Delta fish and wildlife resources, like the winter-run salmon. It provides a three-year window of opportunity to do more sensible long-term planning and management. The Clinton Administration managed this critical challenge by producing an adaptive management scheme that protects endangered species while assuring reliability in state and Federal water projects allocations to support farmers and urban water users.

**Increased the Use of Regulatory Negotiations to Give Affected Parties a Greater Voice in EPA Decision-making:** EPA is a recognized leader in the federal government in pioneering successful Regulatory Negotiations (Reg-Neg) process that convenes representatives of various interest groups, businesses and federal or other government agencies and has been able to reach consensus on an important and wide-ranging set of rule proposals over the last two years. Four examples from a larger set follow:

**Reg-Neg #1/Negotiated Safer Drinking Water:** To assure that public health is adequately protected, EPA negotiated with representatives from public water systems; state and local health agencies; environmental organizations; consumer groups; and federal, state and local governments for a cluster rule that would: (1) reduce exposure to chlorinated disinfection by-products by 20%-30%; (2) reduce exposure to other non-chlorinated byproducts; (3) eliminate hundreds of thousands of cases of disease due to microbial contamination each year; and (4) control such potentially deadly parasites as Cryptosporidium in large water systems.

**Launched Interim Voluntary Action to Protect Americans from Threats like the Bacterial Water Illness in Milwaukee:** Given the significant risks to human health in the interim before implementation of the above cluster rule, EPA is working with the water suppliers on a voluntary treatment optimization program to maximize the effectiveness of existing treatment in removing microbial threats.

**Reg-Neg #2/Reduced Toxic Air Pollution from Wood Manufacturing:** EPA met with state agencies, large and small wood furniture manufacturers, coatings manufacturers, and environmental groups and proposed a negotiated regulation to reduce toxic air pollution from Wood Furniture Manufacturing Operations. The proposed rule affects 750 manufacturing facilities and will reduce emissions of toxic pollution by 30,000 metric tons per year.

**Reg-Neg #3/Reduced Toxic Air Pollution from Steel Manufacturing:** EPA issued a regulation to cut toxic air pollution from Steel Plant Coke Ovens in October 1993 that broke a 20-year deadlock on the issue and will cut 1500 tons of pollution annually. The regulatory negotiation included participation by industry, environmental groups, and State and local agencies and the resulting rule offers flexibility to the steel and coke oven industry by providing a choice of two compliance methods.

**Reg-Neg #4/Reduced Threat to Water Quality from "Combined Sewer" Run-off:** To stem the threat to Americans' water supplies, EPA launched an enforceable national protection framework through the nation's basic water pollution permitting program resulting from a negotiated agreement among key stakeholders, and provides municipalities with flexibility to develop site-specific, cost-effective solutions to this problem rather than complying with a one-size-fits-all dictate.

**Protected the Great Lakes from Toxic Pollution and Used Consensus-Building Process:** EPA, working in partnership with eight Great Lakes States, produced a common-sense, comprehensive plan to restore the health and the economy of the Great Lakes. Through a consensus-building process, the program will remove toxic chemicals from the Great Lakes basin that contains about 95 percent of the United States' and home to one-fifth of all Americans and one-quarter of industry. The final plan provides the Great Lakes states and tribes with community-based flexibility to tailor solutions to local conditions and to set sound health and environmental protection goals, while developing cost-effective solutions.

**Negotiated Environmental Side Agreement to NAFTA and Established Commission to Coordinate Enforcement of Environmental Laws:** The North American Free Trade Agreement and its side agreements represent the most comprehensive attempt in history to integrate trade and environmental concerns within the context of a regional trade agreement and has heightened enforcement in Mexico has already stimulated greater U.S. exports of environmental technology. In addition, two financing organizations were established, the Border Environmental Cooperation Commission (BECC) and the North American Development Bank (NADBank) to help assist in financing badly needed environmental facilities in the U.S.-Mexico border area, such as wastewater treatment plants and drinking water systems.

## ***CUTTING RED TAPE***

**Implemented Executive Order to Streamline the Regulatory Development Process:** Since President Clinton issued Executive Order #12866 on Regulatory Planning and Review on September 30, 1993, EPA has implemented a number of regulatory streamlining efforts. In June 1994, EPA redesigned its rulemaking process to be more flexible, less encumbered by procedural delays, and more responsive to both industry and EPA needs. The new regulatory development process allows EPA to more clearly identify both its regulatory priorities and those actions that are designated as "significant" under the Executive Order. EPA's process requires actions to be "tiered" according to priorities set by the Administration and the regulation's anticipated impact on industry and other stakeholders. This has streamlined the regulatory development process and reduced delay in promulgating EPA's less complex and more routine actions. EPA has also undertaken new initiatives to solicit and incorporate the early input of State, local, and tribal governments in the development of regulations.

**Launched Major Initiative to Reduce Permitting Burdens on Industry:** EPA assembled a results-oriented team with representation from federal, state and local government to streamline environmental permitting so that Americans can focus on being economically productive and can protect our shared environment without needless paperwork. The Permit Improvement Team recommended revisions to regulations to allow alternatives to traditional individual permits, to encourage greater pollution prevention and innovative technology, and to provide special incentives for good performance such as expedited processing and alternative compliance strategies and schedules. The team also developed methods for enlisting earlier and more meaningful public participation in the permitting process, and met with a cross-section of stakeholders to develop action plans. The team has launched pilot projects that will develop models for future implementation on a nationwide scale.

**Launched Consensus-Building Effort with States to Simplify the Tracking of Interstate Movement of Hazardous Waste:** Many businesses have expressed frustration that the form for reporting their movement of hazardous waste varies from state to state. EPA has reviewed this problem in collaboration with states, businesses and other stakeholders, and this summer will propose consensus changes to bring uniformity to the paperwork.

**Reduced Regulatory Barriers to Innovative Technologies:** The EPA-led Environmental Technology Initiative (ETI), launched by President Clinton in his first State of the Union address is improving American competitiveness in the growing market for new environmental technologies. ETI reduces the cost of compliance, provides new tools for cleaning up the environment, and mobilizes American entrepreneurs to compete in the market place. The top priority of the ETI is to reduce barriers to innovation. This includes assisting entrepreneurs with obtaining permits and sites to test and demonstrate their new technologies for potential purchasers, helping small businesses identify the most cost-effective prevention or control technologies, and disseminating information and technical assistance to undergird a more efficient market. Three examples of recent changes instituted to help technology developers follow:



**Eased Restrictions on Testing Hazardous Waste Technology:** EPA issued a rule in early 1994 which eased the restrictions on testing hazardous waste technologies by increasing the quantity of contaminated soil that can be used without a permit in testing the new technology. Previous limits were set too low to allow for realistic tests of new technologies, and unnecessarily inhibited the development of new technologies. Easing the conditions of these tests helps not just developers, but also decision-makers who need to evaluate new technology claims before deciding on a clean-up strategy.

**Approved New Hazardous Waste Testing and Monitoring Technologies:** In January, EPA amended its hazardous waste regulations to approve new and more cost-effective hazardous waste monitoring and testing technologies for inclusion in its nationally used manual. Manufacturers of environmental technology, commercial labs, and private labs that do environmental monitoring will benefit from this increased choice of innovative methods. Several of the newly approved methods promote pollution prevention by reducing the use of solvents.

**Accommodated Innovative Technology Under the Nitrogen Oxides Air Pollution Regulation:** Last July 5, EPA issued a new policy that allows states to give businesses extra time to comply with Reasonably Available Control Technology (RACT) regulations for nitrogen oxide pollution. This new policy will facilitate the development and installation of cost-effective innovative controls. The option is only available where a source is actively pursuing an innovative control technology that would not be available by May 31, 1995, the regulation deadline for RACT compliance.

**Proposed to Reduce Barriers to Financing by Businesses with Underground Storage Tanks:** Liability concerns of banks and other lenders have made it difficult for gas stations, farmers, convenience stores, local retailers and other facilities with underground storage tanks to obtain financing. EPA proposed a rule last year to reduce lenders' concerns, which will substantially increase the capital available to these businesses for expansion and environmental compliance activities and thereby reduce the risks of contamination for those in the community.

**Reduced Permitting Requirements for Closing Hazardous Waste Management Facilities:** Last November, EPA proposed a rule that expands and improves the options available to businesses closing hazardous waste disposal facilities. The rule, when final, will allow EPA to use administrative orders instead of permits to expedite the closure of these facilities and the initiation of their cleanup.

**Reducing Air Permitting Burdens for Plant Expansion or Construction:** EPA will next month announce changes to its pre-construction review permit program under the Clean Air Act. The changes will increase flexibility and reduce burdens on industry, the first such overhaul in over 15 years. These permits are required when an industry or another major source wants to construct or make significant modifications to a facility, traditionally a cumbersome and time-consuming process known as New Source Review (NSR). EPA

launched a consultative effort with industry, states and environmental groups to simplify the NSR process and produced a series of reforms. One such reform allows plants to operate under a plant-wide emission cap, which means a facility manager can make physical modifications at any time without being subject to customary NSR permitting restrictions if they make off-setting emissions reductions elsewhere in the plant. This allows for flexibility and cost effective management in achieving the goals of the Clean Air Act. Businesses can then respond more quickly to changing market conditions without waiting for a permit. This EPA announcement will deregulate clean emissions units and pollution control and pollution prevention projects so that red tape will no longer delay common sense, cost-effective changes that are environmentally sound.

**Amended Toxics Release Inventory Reporting Requirements to Reduce Burden on Industry for Lower-level Releases:** The Toxics Release Inventory (TRI) is a database that enables Americans to learn about pollution in their communities and participate in decisions that affect them. TRI requires facilities that manufacture or use listed toxic chemicals to report their annual releases to the environment. Last November, EPA amended TRI reporting requirements by reducing the amount of information that must be submitted by facilities that release or transfer less than 500 pounds of a listed chemical. EPA estimates that this streamlining effort will reduce the national burden on industry by 400,000 hours or \$20 million per year, while maintaining important public health protections. In a separate action this summer, EPA will propose guidance to clarify what information must be reported by industry under the TRI, which will enable the public to better use the data reported and increase data consistency between facilities and industries. EPA will also redesign a key inventory reporting form to incorporate the latest pollution prevention principles and reduce some of the industry burden associated with its completion.

**Streamlining New Chemical Review Approvals and Risk Reviews:** The Toxic Substances Control Act requires that chemical manufacturers notify EPA of risks posed by new chemicals prior to their manufacture. EPA has recently streamlined this program by expanding exemptions from filing requirements for certain low-risk or low-volume chemicals and for those with very limited human exposure. These changes will result in a 30 percent reduction in the number of notices required under this program, lowering administrative costs to EPA and providing regulatory relief to many small businesses that develop and manufacture new chemicals. EPA is also developing a program to permit electronic data submission. EPA also proposed changes to the form used to report risk information on chemicals that will decrease the types of information that must be included in cases where they are already being submitted to EPA and the states under other EPA-administered statutes. EPA has also undertaken a study to identify types of health and environmental effects information being submitted that have limited practical utility.

**Cut Red Tape To Enable Safer Biological Pesticides to Be Used:** Ninety percent of biological and microbial pesticides pose little or no threat to human health because people are not exposed to them. Accordingly, EPA issued a final rule that eliminates the customary requirement for an Experimental Use Permit for these pesticides. Experimental Use Permits are normally granted for testing the product on a limited acreage plot for a specified time period in order to determine its effectiveness and safety. Eliminating this requirement for this

category of safer pesticide products will allow them to enter the market more quickly and cheaply, thus promoting their development and use as a safer alternative.

**Reduced Reporting Requirements for Lower-Volume Releases:** The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) establishes EPA authority to respond to releases, or threats of releases of specified hazardous substances. Under this law, EPA establishes "reportable quantity" levels that trigger reporting of the release to the government. The government then determines whether an action responding to the release is needed. In an effort to reduce reporting burdens on industry, EPA has identified specific rules where it can adjust upward the threshold at which reporting becomes necessary. This has the effect of deregulating releases at a level lower than the specified threshold, saving both industry and governmental time and resources. These threshold adjustments also enable EPA to focus its attention on the most serious hazardous substance releases. For example, EPA will this spring propose to raise the threshold for five broad categories of hazardous air pollutants. For example, one of these pollutants, ethylene glycol, is used for de-icing airplanes and also as an antifreeze. Consumers have been required to federal and state officials leaks in their radiator, and airlines to make a report every time they de-ice a plane. This rule will reduce such reporting requirements. The final rule is expected to result in annual net cost savings of \$500,000.

## ***BETTER ACCOUNTABILITY, COMPLIANCE AND ENFORCEMENT***

**Increased Incentives to Use Small Business Assistance Programs Designed to Aid Compliance with the Clean Air Act:** Small businesses often have technical difficulty understanding their obligations under EPA laws. To assist small businesses in complying with air pollution regulations, the Clean Air Act required states to adopt small business compliance assistance programs. When it was found that small businesses were hesitating to use the programs, EPA issued a new policy last August to address their concerns. Under this policy, states have been granted flexibility to offer a small business a window of opportunity to correct a violation discovered through their participation in the assistance program without no penalty. Alternatively, a state may keep information on violations detected through such a program confidential from its enforcement division. The program is expected to increase use of this innovative program, thereby increasing compliance and reducing pollution. High Priority Action #14 in the main portion of this report takes this clean air program as a starting point and calls for its expansion to other EPA-administered laws.

**Made the Federal Government Accountable for Its Own Pollution By Requiring Public Reporting and Reduction of Toxic Releases:** President Clinton signed an Executive Order directing federal agencies to comply with the reporting requirements imposed on the private sector for toxic pollution releases, and to voluntarily reduce by 50 percent their releases or off-site transfers of those chemicals by 1999. EPA has played a key role in implementing the order, by preparing guidance documents outlining Federal agency pollution prevention strategies and facility-level plans. EPA also drafted a "Code of Environmental Principles" to implement the Order's "Federal Government Environmental Challenge Program." Sixteen Federal agencies have prepared draft strategies for meeting the requirements of the Order.

- **Streamlined Compliance Inspections:** EPA launched an effort to evaluate different approaches to multi-media compliance inspections so that businesses will not have to suffer through multiple visits from compartmentalized government bureaucrats interested only in individual media such as air pollution or water pollution or solid waste. EPA will develop a sector-specific compliance checklist to streamline inspections, initially for the printing industry and subsequently for other small business-dominated sectors, including dry cleaning.

**Creating a Model Regulatory Assistance Service Center for Metal Finishing Industry:** As part of the Common Sense Initiative (described above under "Building Partnerships"), EPA is establishing a Metal Finishing Service Center with the Commerce Department's National Institute of Standards and Technology to provide businesses in this sector with easy access to comprehensive information on polluting prevention opportunities, regulatory compliance requirements in plain English, and technologies and techniques for reducing pollution in the most competitive manner. The Center will make its services available to state and local technical assistance programs. Similar centers will be established for other sectors in the future.

## ***THE POWER OF INFORMATION***

**Developed Systematic Database for Tailoring Compliance Strategies to Specific Industries:** Recognizing that government must fully understand the businesses and operations which it regulates, EPA organized a new compliance assurance office on an industry-by-industry basis instead of the customary air, water, solid waste and pesticide compartments. To establish a firm informational basis for the new office's activities, EPA has compiled comprehensive profiles of eighteen industries, mostly small-business-dominated ones. These notebooks contain detailed descriptions of industrial processes, regulatory requirements, historical compliance data, and opportunities for pollution prevention. This information will promote businesses' self-evaluation and enhance the inspection process.

**Clarified Government Guidance to Reduce Rejections of Pesticide Applications:** EPA substantially re-engineered the process by which it reviews data submitted on the safety of pesticides and makes decisions to reject or approve their use. By systematically identifying the factors underlying rejections and working with industry to clarify scientific guidance so that they no longer recur, EPA has succeeded in expediting the process and has recently been completing a record number of pesticide reviews. Overall rejection rates are much reduced. This has reduced the cost to industry of obtaining pesticide approvals, since they are undertaking fewer studies that have preventable flaws. In response to the project, pesticide companies have also strengthened their quality control procedures and are producing better data. This promising new cooperation between EPA and the regulated community has reduced the cost and time required to bring new, safer pesticides to market, while cutting EPA's administrative expenditures.

**Authorized State to Manage a Hazardous Chemical Rather than Imposing a Regulation:** Dichloroethane is a probable human carcinogen. It is also a high-volume chemical with substantial air and water releases, as reported in the Toxics Release Inventory. EPA's

Existing Chemicals Program conducted an analysis which found that the majority of the risk was from one facility in the State of Indiana. Rather than using a command-and-control approach, EPA provided the information to the State of Indiana whose action resulted in the company implementing significant pollution prevention steps. These actions led to an immediate reduction in Dichloroethane emissions to virtually zero. This case also helped EPA initiate a dialogue with the Chemical Manufacturers Association on product stewardship, including the responsibilities of companies to assist their customers in the proper use of chemical products.

**Used Education Rather than Regulation to Reduce Health Risks from the Cultural Use of Mercury:** EPA faced a special challenge in addressing the risks of mercury poisoning stemming from cultural and ritual uses of metallic mercury, such as the sprinkling of mercury in homes or vehicles, adding mercury to floor washes, burning mercury in candles, carrying mercury as a charm, and ingesting mercury as a folk medicinal remedy. Many such practices originated in Caribbean and Latin American cultures, and came with Spanish and Haitian Creole-speaking immigrants to the United States. Concerned that regulatory action to restrict the use or sale of mercury could infringe on First Amendment religious freedoms and drive the practices themselves underground, EPA consulted with national Hispanic organizations and embarked instead on a public education campaign to warn people of mercury hazards and encourage them to use less hazardous substances. EPA contracted with the Hispanic Radio Network for a series of Spanish language radio broadcasts discussing mercury dangers, broadcasted last September, and prepared multi-lingual fact sheets on risks. Because of the affected community's distrust of government authority, EPA is also working with the U.S. Catholic Conference to encourage their distribution of mercury warning materials. This effort reflects EPA's commitment to working flexibly with specially vulnerable communities to devise appropriate solutions.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
**75 Hawthorne Street**  
**San Francisco, CA 94105-3901**

**OFFICE OF THE  
REGIONAL ADMINISTRATOR**

**April 14, 1995**

**Dear Environmental Stakeholder:**

**RE: Regulatory Reinvention Initiative - Invitation to Submit Comments**

As you may know, on March 16, 1995, the President and Vice-President announced a comprehensive set of 25 High Priority Actions to substantially improve the existing environmental regulatory system. These 25 actions (see enclosed overview) are designed to guide us toward a more effective environmental management system for the 21st Century, while continuing to protect public health and the environment. In addition, the President has directed Federal agencies to conduct a page-by-page review of all existing regulations, and eliminate or revise those that are outdated or otherwise in need of reform. A report is due to the White House by June 1, listing all Agency regulations which are obsolete or should be modified, and providing recommendations for any legislative changes necessary to reduce regulatory burden.

Enclosed with this letter are preliminary lists of candidate regulations for deletion or revision, compiled by EPA Regional Offices; the Office of Air and Radiation; the Office of Prevention, Pesticides and Toxic Substances; the Office of Solid Waste and Emergency Response; and the Office of Water. EPA Headquarters has asked all of the Regional Offices to use these preliminary lists in public outreach to stakeholders in an effort to identify regulations that could be eliminated or modified. The lists will be revised as the Agency receives feedback from the public.

In reviewing the lists of regulations, and in considering other EPA regulations that may not be included in these lists, you might consider the following questions:

- ☐ Does this requirement still make sense?
- ☐ Does this requirement achieve its objective in the least burdensome way (i.e., is it cost-effective)?
- ☐ Is the requirement written in plain English so that it is easily understandable?
- ☐ Are there less burdensome alternatives that would still be as protective?
- ☐ Are there prerequisites to making any changes (i.e., legislative fixes)?
- ☐ Should the regulation be kept as is, altered or modified to further protect public health or the environment?

This is an important opportunity for us to hear your ideas and concerns about the environmental regulatory system. I hope that you find the enclosed material thought-provoking, and that you can assist us in providing the President with a meaningful report. Please submit your comments to:

David Albright  
US-EPA Region IX (Mail Code P-2-1)  
75 Hawthorne Street  
San Francisco, CA 94105

In an effort to meet the June 1st White House deadline, the page-by-page comments are needed as soon as possible, so please get those to us by April 28. If you would prefer to expedite your submission, you may send your page-by-page comments directly to EPA Headquarters, where all stakeholder comments are being collected for the report to President Clinton. Should you wish to send comments directly to Headquarters, please address them to the appropriate person on the enclosed Regulatory Review Contacts List, and also send a copy of your comments to us at the above address, as we are very interested in seeing them.

Thank you very much for your assistance. If you have any questions, please contact David Albright at 415•744•1627. Naturally, we will be working on these and other related issues over the months ahead and very much want all of your comments and suggestions.

Yours,



Felicia Marcus  
Regional Administrator

Enclosures:

- Overview of the Administration's 25 High Priority Actions to substantially improve the existing regulatory system
- Summary tables of the 25 High Priority Actions and other Significant Actions for Reinventing Environmental Regulation
- Preliminary page-by-page regulatory review summary tables
- EPA Headquarters Regulatory Review Contacts List
- Summary of EPA's Five-Year Strategic Plan

# **REGULATORY REINVENTION INITIATIVE PRELIMINARY LISTS OF CANDIDATE REGULATIONS RECOMMEND FOR REVIEW**

## **PUBLIC DOCUMENT**

Attached are the preliminary lists of candidate regulations for deletion or revision for the Regulatory Reinvention Initiative compiled by Regions and OPPTS, OAR, OSWER, and OW. The lists are work-in-progress documents and are still going through internal review. These lists will be used in public outreach to initiate dialogue between the public and the Agency to identify regulations that could be eliminated or modified. It is expected that the Ms will be revised as the Agency receives feedback from the public. The final lists which will incorporate the results of public outreach will be presented in the report to the White House on June 1, 1995.



**OPPTS 1995 CFR Review Summary Table - Pesticide Related Regulations**

*As of 03/21/95*

| 40 CFR Part/§              | Short Title                            | Brief Description  | Comments   | Preliminary Call                                      | Code below |
|----------------------------|--|--|--|---|------------|
| Part 152<br>Subparts A & C | Product Registration and Procedures    | Defines terms and describes product registration, and registration procedures  | Subpart C could be revised to allow additional types of amendment by notification  | Amend   | S          |
| Subpart B                  | Exemptions                             | Describes substances not required to be registered   | Currently ongoing: (1) expand § 152.20 to exempt sterilant products that are adequately regulated by FDA; (2) Expand § 152.25 for additional low-risk pesticides. Also consider amendments to clarify and to allow contract manufacturing and transport of unregistered pesticides between registered establishments | Complete sterilant rule and safer exemption (ongoing) | M          |
| Subparts D & H             | D: Reregistration<br>H: Agency actions | D: Reregistration procedures<br>H: Describes Agency actions affecting registrations (e.g., DCI, special review and cancellation) | Subpart D and most of H are unnecessary  | Delete subpart D and most of H                        | T          |
| Subpart E                  | Data compensation                      | This subpart provides procedures for registrants to demonstrate compliance with data compensation provisions of FIFRA.           | paragraph 152.85(c) is in conflict with 152.46(a) Data compensation is a difficult area and could use further evaluation   | delete paragraph 152.85(c)                            | T<br>E     |
| Subpart F                  | Agency review of applications          | Describes Agency procedures for reviewing applications for registration  | § 29 Production reports to Congress are not useful to Hill   | Retain;<br>Recommend legis. repeal § 29 Reports       | R<br>L     |
| Subpart G                  | Obligations and rights of registrants  | provisions regarding distribution and voluntary cancellation   | existing stocks provisions need revision; other parts were superseded by FIFRA '88   | Delete 152.138<br>Amend 152.130                       | T<br>M     |
| Subpart I                  | Classification of pesticides           | Criteria for restricted use  | The current rule lacks flexibility   | Evaluate  | E          |

| 40 CFR Part/§                                | Short Title                                   | Brief Description   | Comments  | Preliminary Call   | Code below |
|--|---|---|---|--|------------|
| Subpart L                                    | Intrastate Products                           | Requires submission of intrastate products for registration, and describes procedures.                    | This subpart is no longer necessary because all or almost all intrastate products have been federally registered or discontinued. <b>This may be a purely technical rule change.</b>  | Delete or replace with an expiration date for unregistered products  | T or S     |
| Subpart U                                    | Registration Fees                             | Describes fees to be charged for various registration activities  | Fees are currently suspended  | Retain   | R          |
| Part 153 Subpart D (A-C, E, F, I-L reserved) | Adverse Effects Reporting under FIFRA 6(a)(2) | Sets out what adverse effects information must be reported to the Agency and the procedures for doing so. | This subpart has never been made effective. A complete revision of this subpart is nearing completion and could be subjected to <b>consensual review</b> prior to finalization.   | Retain this material until replaced OR delete  | R or T     |
| Part 153 Subpart G                           | Inert Ingredients                             | Defines active and lists certain inerts   | List of inerts would be better handled outside CFR. Evaluate need for entire subpart  | Delete list or delete subpart  | T<br>S     |
| Part 153 Subpart H                           | Coloration and discoloration                  | Describes required coloration of pesticides   | Coloration provisions generally obsolete.   | Delete all except for seeds § 153.155  | T          |
| Part 153 Subpart M                           | Devices                                       | Describes by reference to statute and reference to other regulations                                      | Either more or less authority over devices was discussed--more for public health related, less (with more active role for FTC) for others   | Retain but move to Pt 152 or 168   | T          |
| Part 154                                     | Special Review                                | Describes procedures for Special Review, including docketing procedures                                   | Consensus was that most of the procedures would be better handled through policy and guidance documents, one of which was published last June. OGC needs to confer with DOJ prior to taking any action since this rule resulted from a law suit settlement. | Create one Subpart covering all docketing (see Pt 155 below). Replace other specific procedural regs with policy document(s) | M<br>E     |

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| 40 CFR Part/§                       | Short Title                  | Brief Description  | Comments  | Preliminary Call   | Code below |
|-------------------------------------|------------------------------|--|---|--|------------|
| Part 155                            | Registration Standards       | Describes meeting, publication and docketing procedures for Registration Standards.  | Required as result of 1985 NRDC settlement.   | Delete (see above) and Consolidate with 154  | M          |
| Part 156 Subpart A (B-J reserved)   | Labeling                     | Describes labeling requirements for pesticides and devices   | Significant amount of work ongoing on both generic labeling and container design, residue removal, and labeling amendments  | Needs study and comprehensive revision--ongoing  | S, M, & E  |
| Part 156 Subpart K                  | Worker Protection Statements | Describes labeling requirements to implement REIs and PPE for Worker Protection Standard   |   | See Part 170   | R          |
| Part 157                            | Child Resistant Packaging    | Describes packaging requirements including referencing CPSC requirements   | Currently working with CPSC and ASTM to revise protocols; § 157.39 is obsolete  | Retain; delete § 157.39 if/when revised  | R          |
| Part 158                            | Pesticide Data Requirements  | Describes scientific data required for registration and Experimental Use Permits<br>Guidelines for conducting studies are published separately | Comprehensive amendment in process, largely to incorporate changes in practice and to reformat for clarity. Certain parts good candidates for consensual rulemaking. Guidelines harmonization near completion. Update ongoing to improve readability and to make it consistent with requirements. | Continue ongoing work; Use "common sense" criteria. Complete guidelines harmonization. | R          |
| Part 160 (FIFRA)<br>Part 792 (TSCA) | Good Laboratory Practices    | Describes standards for laboratories, conduct of studies, and recordkeeping  | These two separate lab standards for TSCA and FIFRA could be consolidated. The option of referencing international standards or national laboratory accreditation programs may be considered. OPP also recommends that GLPs be modified for field studies under FIFRA.                            | Consolidate<br><br>consensual?   | M<br><br>E |

| 40 CFR Part/§                        | Short Title                               | Brief Description   | Comments   | Preliminary Call                                    | Code below |
|--------------------------------------|---|---|--|---|------------|
| Part 162 Subpart D (A-C, E reserved) | State (Special Local Needs) registrations | Describes procedures, authorities and responsibilities of States and EPA with respect to state registrations under § 24(c)  | Subpart found to be in need of major rewrite; however, it doesn't seem to be causing problems. OPP, State, Region consensus based workshop identified needs, and guidelines have been proposed.<br><b>Cost to OPP to revise not warranted.</b>       | Retain  | R          |
| Part 163                             | Certification of Usefulness               | Describes how petitioners can obtain a certification of usefulness for tolerances under FFDCA   | Outdated and unnecessary to be done by regulation  | Delete  | T          |
| Part 164                             | Rules of Practice                         | Describes rules for conducting hearings under FIFRA   | Comprehensive revision ongoing, but low priority, would clarify and provide separate rules for different kinds of proceedings. Continue work on amendment. <b>Cost of expediting not justified.</b>  | Retain  | R          |
| Part 165                             | Pesticide Storage and Disposal            | Describes procedures for EPA to accept suspended and canceled pesticides for disposal. Also contains recommended disposal and storage procedures for pesticides and containers. (guidelines for the general public, but binding on EPA) | Some parts are obsolete, some outdated. Revision is underway--should be continued and "common sense" criteria should be applied. Some parts might be appropriate for guidance.   | Delete<br><br>[Then replace with new rule/guidance] | T<br><br>E |
| Part 166                             | Emergency exemptions                      | Establishes procedures for exemption of a Federal or State agency to allow an unregistered pesticide use. Describes criteria for emergency conditions which require an exemption.   | No consensus. Several options were discussed, ranging from reevaluation of implementation to recommending a statutory changes to allow for non-emergency exemptions and risk only evaluations. <b>This rule is an example of successful Reg Neg.</b> | Evaluate options                                    | E          |
| Part 167                             | Pesticide producing establishments        | Established registration and reporting requirements for establishments  | Critical for enforcement. Investigate electronic reporting   | Retain  | R          |

| 40 CFR Part/§      | Short Title                      | Brief Description  | Comments   | Preliminary Call  | Code below |
|--------------------|----------------------------------|--|--|---|------------|
| Part 168 subpart B | Advertising                      | Describes prohibitions on advertising of unregistered pesticide uses.  | This only applies to unregistered pesticides. However, if we should decide to address advertising of registered products (in the context of "safer" this would be an appropriate place for it.   | Retain  | R          |
| Part 168 subpart D | Export Policy                    | Describes EPA policy and procedures required for exporting unregistered pesticides   | Needs reformatting and clarification and requirements need to be rethought. Candidate for consensual negotiation.  | Consensual negotiations   | E          |
| Part 169           | Books and Records                | Describes recordkeeping requirement for pesticide producers and state and federal inspection authority   | Necessary to support enforcement of FIFRA. Investigate possibility of electronic reporting.  | Retain  | R          |
| Part 170           | Worker Protection Standard (WPS) | Describes measures which must be taken to reduce the risk of injury or illness resulting from workers' and handlers' occupational exposure to pesticides | A massive effort is ongoing to clarify certain portions of the WPS. Although several sections of the standard could benefit from added clarity, it would be wiser to allow for experience under the new rule to surface problems before considering revision.  | Continue ongoing activities, delay any significant revision til we have more experience to judge needs. | R          |
| Part 171           | Certification and Training (C&T) | Describes standards to be met by certification and training programs and by private and commercial applicators to be certified.                          | C&T is a mature program. Most states have plans which exceed the requirements of this part. While the rule might benefit from updating, the benefit to be derived does not appear to justify the cost to the Agency of undertaking revision. However, the program could be evaluated for opportunities for further delegation to States. | Evaluate  | E          |

| 40 CFR Part/§           | Short Title   | Brief Description   | Comments   | Preliminary Call   | Code below |
|-------------------------|---|---|--|--|------------|
| Part 172                | Experimental Use Permits (EUP)  | <b>Subpart A:</b> Describes procedures for obtaining experimental use permits<br><b>Subpart B:</b> State permits under FIFRA sec. 5(f).<br><b>Subpart C:</b> Notification requirements for genetically engineered pesticides. | A number of amendments have been suggested for subpart A; subpart B could be significantly streamlined (possibly from 5 pages to ½ column). Retain subpart C.  | Amend  | M<br>S     |
| Part 173                | Rescission of State Enforcement Primacy   | Describes procedures under which EPA may rescind a State's use enforcement primacy, including appeal rights.  | It appears that this has never been used, but the value of reworking may be limited. May contain elements not required by FIFRA.   | Evaluate   | E          |
| Part 177                | Food Additive Regulations   | Describes procedures for filing petitions for establishment, modification or removal of food additive regulations   | Coordination of 408/409 of FFDCA with FIFRA would reduce costs to EPA and regulated community. Sections dealing with registration and tolerance-setting could be combined. This would not only eliminate a number of sections, it would make it easier to follow procedures required for submission of administrative material and results of test data. | Retain<br>Consolidate with Part 180, subparts A&B                  | R<br>M     |
| Part 178-179            | <b>Part 178:</b> Objections and Requests for Hearing; <b>Part 179:</b> Procedures for Conduct of Hearings | Describes procedures for requesting and conducting hearings objecting to pesticide tolerances under FFDCA   | Integration of FFDCA §§ 408-409 with FIFRA would be improvement  | Retain<br>Recommend legis. to substitute notice/comment rulemaking | R<br>L     |
| Part 180 Subparts A & B | Tolerance Petition Procedures   | Describes how to petition for tolerances and exemptions from tolerances for raw agricultural commodities (RAC) and substantive rules on tolerance setting   | Coordination of 408/409 of FFDCA with FIFRA would reduce costs to EPA and regulated community. Sections on registration and tolerance-setting could be combined, not only eliminating sections, but making it easier to follow procedures required for submission of administrative material and results of test data.                                   | Update.<br>Consolidate with Part 177                               | M          |

| 40 CFR Part/§                   | Short Title  | Brief Description   | Comments   | Preliminary Call   | Code below   |
|---------------------------------|--|---|--|--|--|
| Parts 180 Subpt C and D 185,186 | <b>Part 180:</b> Listing of specific tolerances & exemptions for RACs; <b>Part 185:</b> Food additive regulations (Human food); <b>Part 186:</b> Feed additive regulations (animal feed) | Lists specific residue limits for food (raw and processed) and animal feed, including animal products | <p>The separate listing for different types of tolerances under FFDCA is confusing and hard to use and has no practical purpose. A combined list would be far more useful.</p> <p>Some time-limited tolerances which have expired are still on the books and should be deleted. Action should be coordinated with Canada and other trade partners.</p> | <p>Combine the 3 lists into a single list of all tolerances.</p> <p>Delete all expired tolerances.</p> | <p>S or M (technical change, but big job)</p> <p>T</p> |

IN ADDITION: It has been suggested that we offer to submit "Self Certification" to Consensual Negotiation.

It has also been suggested that X-contamination issues might be appropriate for some form of Consensual Negotiation

As of March 29, 1995)

## OPPTS 1995 CFR Review Summary Table - Toxics Related Regulations

### Key to Preliminary Call Entries:

A = Streamlining actions already completed, substantially completed, or formally proposed in a rulemaking.

B = Easy opportunity to streamline.

C = Moderate streamlining potential: modicum of resources & time (> June 1) required.

D = Difficult to streamline: significant resources implications.

L = Legislative action needed as prerequisite for regulatory change.

N = No significant opportunities for streamlining in near term (e.g., regulations not proposed, judicial restrictions, issues in flux, etc.)

| 40 CFR Part/ § | Short Title                             | Brief Description  | Comments  | Preliminary Call |
|----------------|---|--|---|------------------|
| 2 Subpart B    | Confidentiality of Business Information | Establishes basic rules governing business confidentiality claims, the handling by EPA of information claimed CBI, and determinations by EPA of whether information is entitled to confidential treatment. | Although 11/94 proposal might be packageable as "streamlining," issues are so complex that it may be best not to tamper with ongoing rulemaking. Some have suggested need to amend statute to secure CBI access for states. | N                |
| 350            | Trade Secrecy Rules                     | Establishes rules governing assertion of trade secrecy claims for chemical identity information collected under EPCRA sections 303, 311, 312, and 313.   | Not much here folks.  | N                |



| 40 CFR<br>Part/ § | Short Title             | Brief Description   | Comments  | Preliminary<br>Call |
|-------------------|-------------------------|---|---|---------------------|
| 372               | Community Right-to-Know | This part sets forth requirements for the submission of information relating to the release of toxic chemicals under §313 of EPCRA. The information collected under this part is intended to inform the general public and the communities surrounding covered facilities about releases and management of toxic chemicals, to assist research, to aid in the development of regulations, guidelines, and standards, and for other purposes. This part also sets forth requirements for suppliers to notify persons to whom they distribute mixtures or trade name products containing toxic chemicals that they contain such chemicals. Subpart A deals with General Provisions such as definitions and recordkeeping. Subpart B describes reporting requirements. Subpart C provides supplier notification requirements. Subpart D indicates specific chemical listings. Subpart E lays out forms and instructions. | Planned delisting of several high volume chemicals will significantly reduce reporting burden. Also, several technical amendments in pipeline will provide some additional reg. relief. | A                   |
| 700               | Radon User Fees         | OAR lead.   |   | TBD by<br>OAR       |
| 702               | Citizen suit            | Implements section 20 of the Toxic Substances Control Act (TSCA). Articulates procedures necessary to begin a civil action to compel performance by the Agency to perform nondiscretionary acts or duties, to restrain violation of TSCA or any promulgated rules or regulations.   | Only 2 pages of regs; sets out citizen suit procedures.   | N                   |
| 704<br>Subpart A  | 8(a) Reporting          | Subpart A contains general information applicable to Subparts B, C, and D such as scope, generic definitions, reporting (where) and recordkeeping (how long), as well as CBI, and enforcement (statutory authority).  | Some consolidating & streamlining potential exists (e.g., combine def.s) but will require considerable research/analysis; tossup whether benefits will exceed costs.                    | C                   |

| 40 CFR<br>Part 5 | Short Title   | Brief Description   | Comments  | Preliminary<br>Call                          |
|------------------|---|---|---|--|
| Subpart B        | Chemical Specific<br>Rules                                    | Subpart B contains reporting requirements for 9 substances and categories for which manufacturers and in some cases processors must submit production, use, and exposure data as specified under individual substances or through use of the PMN form or portions thereof. The rules were put in place from 1984 to 1988 and required reporting shortly after each rule was promulgated as well as continuing obligations for persons who initiate manufacture or processing.   | May be possible for some rules that now have a SNUR. Program reviews required on chemical-specific basis to determine need for reporting. (Potential CFR reduction: ~7 pgs, if all 9 chems dropped.)  | B-C  |
| Subpart C        | Comprehensive<br>Assessment and<br>Information Rule<br>(CAIR) | CAIR is a broad information gathering tool implemented by a multi-page reporting form that has 10 sections covering production, use, p-chem properties, fate and environmental release, worker exposure, economics and financial information, and waste treatment. Persons become subject to reporting through the addition of specific chemicals to the rule via a separate notice and comment rulemaking. Companies do not have to complete the entire form. Reporting is tailored to the specific information needs of each chemical. The specific list of chemicals and data needs are listed in Subpart D. An amendment to the rule has been prepared that is designed to reduce the reporting burden in a number of aspects as a result of complaints by industry (lawsuit) the first (and only time) time the rule was used. | Difficult to complete form or use submitted data, but big EPA investment made to promulgate this rule--and many potential users of rule, incl. groups in and outside the Agency. Amendments developed but not yet finalized would reduce some burden and satisfy most industry concerns (we think). | B-C<br>(Consensus<br>to delete<br>entirely.) |
| 707<br>Subpart B | General Import<br>Requirements                                | Subpart B presents the EPA policy on import of chemical substances, mixtures, and articles under §13 of TSCA and addresses aspects of the regulation (19 CFR 12.118 thru 12.127 and 127.28 [amended] ) promulgated by the U.S. Customs Service, Department of Treasury to implement §13 of TSCA. [3 pages ]   | Small potatoes. Statutory requirement.  | N  |

| 40 CFR Part/ § | Short Title                 | Brief Description  | Comments  | Preliminary Call |
|----------------|-----------------------------|--|---|------------------|
| Subpart D      | Sec. 12(b) Export           | Implements TSCA §12(b). Requires that exporters of chemical substances and mixtures subject to test rules or consent orders under section 4 of TSCA have a one-time notification for each chemical per country of notification. The purpose of this notification is to facilitate foreign government's review of information for potential management.   | Although most agree that the 12(b) net is too wide (i.e., section 4 notice is inappropriate), complete fix would require statutory amendment; some partial relief possible via rulemaking. UN Prior Informed Consent (PIC) London Guidelines might be packageable as a "common sense" legislative proposal to send up for Hill consideration. (A for burden reduction for recent amendment (7/94), which replaced annual requirement with one-time notification.) | L                |
| 710 Subpart A  | Initial Inventory Reporting | This subpart governed the procedures for reporting chemical substances to EPA for purposes of developing the Section 8(b) Inventory of existing chemical substances ("the chemical inventory"). The reporting period for the initial inventory closed on May 1, 1978. All chemical substances which are not listed on the inventory are considered "new chemical substances" subject to the premanufacture notice requirements of section 5(a) of TSCA.  | Can delete provisions that relate only to initial reporting period, which closed in 1979, but some provisions still necessary for inventory corrections process and IUR. Page reduction payoff relatively low in any case.  | B-C              |
| Subpart B      | Inventory Update Rule       | Implements a section 8(a) information collection authorized under TSCA. Specifically, the information collection acts as a "first cut" on chemicals of concern, which provides a workable universe for Existing Chemicals risk management procedures. Every four years, manufacturers, are required to provide information on certain chemicals they manufactured in the last fiscal year, in excess of 10,000 lbs. The universe of chemicals is limited to organic chemicals and those chemicals subject to proposed or final TSCA rules, regulations or orders. Manufacturers are required to identify chemicals manufactured or imported, facility location, site limited status, production volume and technical contacts. | Some amendments may be appropriate to reduce regulatory burden without substantial impact on IUR viability (e.g., exempt certain classes of chemicals). May want to take credit for involving industry in review process. IUR amendments are potential vehicle for Chemical Use Inventory (which is candidate for consensual negotiation process).  | C                |

| 40 CFR Part/ § | Short Title  | Brief Description  | Comments   | Preliminary Call                              |
|----------------|--|--|--|---|
| 712            | Preliminary Assessment and Information Rule (PAIR) | PAIR is a Section 8(a) reporting requirement that requires manufacturers/importers of the listed chemicals to report basic information about their activities such as respondent identification, quantity manufactured/imported, on-site activities, whether the substance is handled in a controlled manner, and limited product information. The rule has been used extensively over the years to provide basic screening data to be used by the Interagency Testing Committee (ITC) to develop lists of chemicals designated for testing. Candidate lists of chemicals prepared by the ITC are made subject to PAIR through an expedited rulemaking. Submitted information is the used by the ITC to score the chemicals for further review and possible designation for testing.                             | Actively used by ITC and Agency to collect information key to chemical characterization and risk assessment.   | B-C for chemicals >5 yrs past effective date. |
| 716            | Health and Safety Reporting                        | Part 716 implements Section 8(d) of TSCA which requires the submittal or listing of unpublished health and safety studies. Persons subject include manufacturers/importers and processors of the listed substances. Chemicals are added through limited notice and comment rulemaking or immediately if recommended/designated by the Interagency Testing Committee (ITC). The submitted studies are used to screen the chemicals under consideration by the ITC for testing. The rule contains a list of study types that do not need to be submitted, e.g., acute studies of mixtures. Additionally, the rule sunsets listed chemicals (10 Years) and has a requirement for a biennial review of the listed substances. Substances will be removed if justification is not presented to keep them on the list. | We can take credit for biennial deletion procedures; a number of chemicals likely to be delisted shortly (LHF). Also, could limit types of studies required to be submitted. | B and C                                       |

| 40 CFR<br>Part/ § | Short Title  | Brief Description  | Comments  | Preliminary<br>Call |
|-------------------|--|--|---|---------------------|
| 717               | Records and<br>reporting on Adverse<br>Reactions<br>Section 8(c) | <p>Implements the section 8(c) information collection mandated under the Toxic Substances Control Act (TSCA). Specifically, section 8(c) requires that manufacturers, processors and distributors to keep records of significant adverse reactions to health and the environment alleged to have been caused by substance or mixture, and to permit inspection and submit copies of such records upon request.</p> <p>This is generally considered the "lowest of the low" in terms of quality of information. Section 8(c) data has been interpreted to be consumer complaints on products containing the identified substance. A real problem has been separating the wheat from the chaff. There have been no more than three data call ins since promulgation of the regulation.</p> <p>However, this regulation does encourage a "product stewardship" mindset, by insuring that the regulated community saves these "notices."</p> | <p>Many sides to this issue: some think it is essential to require industry to collect this information (e.g., since it fosters product stewardship ethic), others think it is unduly burdensome and will never produce useful information and/or result in risk reduction. Prevailing view: leave as is. Possible candidate for stakeholders dialogue/ consensual rulemaking. Changes may involve statute. (May be possible to reduce industry burden by addressing TSCA/FIFRA overlap.)</p> | N                   |

| 40 CFR Part/ § | Short Title                   | Brief Description  | Comments  | Preliminary Call                          |
|----------------|-------------------------------|--|---|---|
| 720            | Premanufacture Notices (PMNs) | Procedural rules governing PMN reporting under section 5(a) of TSCA.   | Take credit for procedural streamlining amendments signed 3/21/95! For example: amendment clarifies "2% rule," which exempts many chemicals from PMN reporting and standardizes form for reporting the commencement of commercial manufacture of substances which have cleared PMN review. Intent to manufacture a new chemical substance. This intent requirement exists to ensure that companies requesting EPA to search the confidential chemical inventory actually intend to manufacture that chemical, and are not just conducting a "fishing expedition" to spy upon their competitors product lines. Thus, the amendment will improve the Agency's ability to protect the trade secrets of chemical manufacturers. It lays the groundwork electronic reporting of PMNs once the technical requirements of such reporting are in place. | A   |
| 721            | Significant New Use Rules     | (1) Identifies uses of chemicals that are determined to be significant new uses; (2) specifies procedures for manufacturers, importers, and processors to report those significant new uses; and (3) identifies generic requirements for certain significant new uses cross-referenced in subpart E. | Deregulation opportunity for new chemical substances. Four rules due for revocation; ~ 5 completed recently. Otherwise, rules considered low-cost insurance policy and many companies favor the "level-playing-field" effect.   | B for some new chemicals. N for the rest. |

| 40 CFR Part/ § | Short Title               | Brief Description   | Comments  | Preliminary Call |
|----------------|---------------------------|---|---|------------------|
| 723            | PMN Exemptions            | Final rule (signed 3/21/95) amended the polymer and low volume exemptions. The polymer exemption now excludes from reporting many low risk polymeric substances. The low volume exemption raises the annual production ceiling to 10,000 kilograms, significantly expediting the regulatory process; new low release/ exposure ("LoREX") exemption-- for substances with low environmental releases and low human exposures--will provide a strong pollution prevention incentive for chemical manufacturers. (Amendments fall squarely within the "better way to do business" category). | Potential reduction in PMNs: for polymer exemption: ~ 34%; for low volume exemption: ~ 27%.   | A                |
| 747            | Metalworking Fluids       | Section 747, Subpart B contains requirements for certain chemical substances used in the manufacturing of metal working fluids. The rules are the result of one of the few applications of Section 5(f) (15 USC 2604). Each of these sections contains bans on adding nitrites to metal working fluids where these chemicals are present. In addition, the sections contain prescriptions on the exact size, style and positioning of mandatory labels for any metal working fluid container filled with metal working fluids and the three types of chemicals.                           | Despite the prescriptive nature of the rule, nitrosamines (a carcinogenic chemical resulting from the reaction of alkali metal nitrites (AMN's) with amines) were still being found in metal working fluids, even though industry asserted that no nitrates were being used in metal working fluids. As a consequence, on May 12, 1993 EPA promulgated a SNUR for all AMN's. The SNUR applies to any person that manufactures, imports, or processes AMN's for use as an ingredient in metal working fluids containing amines. This SNUR effectively prevents anyone from using AMN's, so this part can be deleted. | B                |
| 749            | Water Treatment Chemicals | OAR lead.   | OPPT should take credit for recent amendment to rule which reduced 12(b) export notification requirement.   | A                |

|                  |  |   |  |   |
|------------------|--|---|--|---|
|                  |  |   | deletes it from the CFR.   |   |
| 763<br>Subpart D | Asbestos:<br>Reporting of<br>Commercial and<br>Industrial Uses | Rule required reporting by persons who manufacture, import, or process asbestos. Sec. 763.78 is a <u>sunset provision</u> applicable to Subpart D: "All requirements of this rule will terminate five years after promulgation of this rule." Accordingly, Subpart D expired under its own terms in 1987. | Sunsetted in 1987 but still appears in CFR. (Enforce. issue: appears enforcement actions will not be hindered if provisions are removed. Status of Asbestos SNUR?) | B |



| 40 CFR Part/ §     | Short Title  | Brief Description   | Comments   | Preliminary Call |
|--------------------|--|---|--|------------------|
| Subpart E - AHERA  | AHERA - 1987 Asbestos-Containing Materials in Schools Rule                                   | Implements the Asbestos Hazard Emergency Response Act of 1986 (AHERA). The rule required all public and private elementary and secondary schools in the US (and overseas dependent schools) to: use <i>accredited persons</i> , who would <i>inspect</i> their school buildings for the presence and location of acbm; <i>assess</i> the condition of the acbm; <i>develop</i> and <i>maintain</i> a <i>management plan</i> ; <i>develop response actions</i> for Friable acbm; Assure proper training and awareness of certain school staff and short-term workers; Conduct periodic surveillance (6 months) and <i>reinspection</i> (3 year intervals), <i>notify (inform)</i> school building workers and occupants (or their legal guardians) annually about conditions and activities in their schools, and appoint a <i>designated person</i> to ensure that requirements are properly implemented. | Proposed revision in development. Would reduce burdens (esp. for LEAs) and clarify provisions.   | C                |
| Subpart E - App. B | Work Practices & Engineering Controls for Small-scale, Short-duration (SS/SD) O&M Activities | This Appendix to the asbestos in schools rule (AHERA) is very similar to the former (1986) OSHA asbestos standard for the construction industry, Appendix G. The intent was to provide guidance for work practices and control measures to be followed during minor asbestos-related activities in schools.   | Proposed revision (11/94) redesignated it as Appendix G to Subpart G.  | N                |
| Subpart E - App. C | Model Accreditation Plan (rev.)  | Asbestos Model Accreditation Plan (MAP), Interim Final Rule. This sets forth training and accreditation requirements for certain categories of individuals who wish to conduct asbestos-related activities in schools (under AHERA), and more recently in public and commercial buildings (under ASHARA).   | Interim final rule addressed training and accreditation requirements (2/94). Several creative suggestions tendered to revamp training program; however, would require legislative amendment. | N                |

| 40 CFR Part/ §     | Short Title  | Brief Description  | Comments  | Preliminary Call |
|--------------------|--|--|---|------------------|
| Subpart E - App. D | Asbestos in Schools (AHERA) Rule; Asbestos Waste Transport and Disposal (appendix) | This part consists of applicable sections of a 1985 OSW Asbestos Waste Management guidance document. As far as we can determine, Appendix D applies only to schools (LEAs). LEAs are required to conduct training under this guidance, and to provide for the transportation and disposal of asbestos in accordance with this guidance, "or any successor document." There will not be a successor document, and portions of the guidance document have been supplanted by revised asbestos NESHAP regulations.  | Waste transport and disposal guidance will be supplanted by Asbestos NESHAP. (Direct final rule awaiting management go-ahead.)  | B-C              |
| Subpart F          | Asbestos in Schools  | This 1982 rule requires schools to inspect their buildings for friable asbestos-containing materials, with a requirement for sampling laboratory analysis. The rule required a school to post the results of inspections and analyses, and to provide awareness and health effects information. There were record keeping requirements Appendix A to this rule contain the Agency's "Interim Method for Bulk Sampling Analysis," which is still the required analysis method cited by the 1987 AHERA rule and also the EPA asbestos NESHAP rule. A recent (1993) ORD improved analytical method is available, and is currently <u>recommended</u> by both the TSCA program and NESHAP program. | Provision rendered obsolete by 1987 AHERA rule, Subpart E. Appendix A (bulk sample analysis method) will be preserved and moved to Subpart E, new Appendix E until AHERA rule (Subpart E) amendments are finalized. | B-C              |
| Subpart G          | Asbestos abatement projects  | Extends the requirements of the OSHA Asbestos Construction Standard to state and local government employees performing asbestos abatement projects.  | Proposal extends OSHA standard to state and local govt workers (11/94). Idea: shift regulatory role entirely to OSHA (would require legislative fix).   | D                |
| Subpart I          | Asbestos Ban and Phaseout Rule   | The rule currently bans new uses of asbestos and the manufacturing and processing of certain limited categories of products.   | Rule largely overturned by court decision. (May be ripe for market incentive/voluntary agreement as regulatory alternative.)  | N                |

| 40 CFR Part/ § | Short Title  | Brief Description  | Comments   | Preliminary Call |
|----------------|--|--|--|------------------|
| 766            | Dioxins/Furans Testing                               | Promulgates regulations under sections 4 and 8 of the Toxic Substances Control Act (TSCA). Specifically, 40 CFR 766 requires manufacturers and importers of twelve organic chemicals to test for the presence of certain dioxins and furans. This testing is also required for 20 additional chemicals not manufactured or imported in the US as of June, 1987. This rule was promulgated as a result of a citizens' petition filed by the Environmental Defense Fund and the National Wildlife Federation on October 22, 1984 and represents a compromise between what petitioners sought and what Agency was willing to do. Agency agreed to review produced data to determine appropriateness of regulatory action under section 6. | Involves litigation with enviros. Idea (staff): eliminate "Panel" for protocol review--no longer needed from scientific perspective (may conflict with agreement with enviros). Delete form from CFR.  | N                |
| 790            | Testing Agreements/Rules Section 4 (Procedures only) | These subparts describe procedures for gathering information, conducting negotiations and developing and implementing Test Rules or Consent Agreements on Chemicals and Mixtures under TSCA §4. Subpart A - General Provisions; Subpart B - Procedures for Developing Consent Agreements and Test Rules; Subpart C - Implementation, Enforcement, and Modification of Test Rules; Subpart D - Implementation, Enforcement, and Modification of Consent Agreements; and Subpart E - Exemptions from Test Rules. [~ 21 pages]  | Not much potential for streamlining/burden reduction. Some minor changes: deletion of study plans and Phase II test rule provisions (2 pgs). Idea: Electronic submissions and/or reduction in number of required copies.   | N                |
| 791            | Data Reimbursements                                  | This part establishes procedures and criteria to be used in determining fair amounts of reimbursement for testing costs incurred under section 4(a) of TSCA.   | Although provisions have never been employed, they are required by statute. Idea: incorporate by reference--but Agency pronouncements published outside the CFR are not enforceable as rules.  | N                |
| 792            | GLPs   | This part prescribes good laboratory practices for conducting studies relating to health effects, environmental effects, and chemical fate testing. This part is intended to ensure the quality and integrity of data submitted pursuant to testing consent agreements and test rules under section 4.   | Because OPP's and OPPT's GLPs are virtually identical, appears to present easy opportunity to consolidate (some legal/enforcement aspects still pending; also need to coordinate closely with OPP). Might be able to incorporate by reference--see discussion for test guidelines. | B-C              |

| 40 CFR Part/ §                  | Short Title                  | Brief Description  | Comments  | Preliminary Call |
|---------------------------------|------------------------------|--|---|------------------|
| 795-98                          | Test Guidelines              | Guidelines provide detailed information on procedures and methodologies for conducting tests required under TSCA.  | Can delete guidelines no longer cited in any test rules. Primary issue regarding remaining guidelines is whether OFR will permit Agency to incorporate by reference. Related issue: whether to adopt OECD guidelines in place of existing guidelines. <b>*** Decision Involves very complex issues and many players; however, hundreds of CFR pages at stake. Need to elevate this issue quickly.</b> | B-C              |
| 799                             | Specific Chemical Test Rules | These subparts identify chemicals, mixtures and/or categories to be tested; specify those required to test (mfrs including Importers, and/or processors); specify tests required including the test standards; provide deadlines for submission of reports and data to EPA; and in accordance with Part 790 "test rule development and exemption procedures" provides for submissions of letters of intent to test, exemption applications and study plans and modifications to requirements in part 799. Tests must also be conducted in accord with Good Laboratory Practice Standards (GLPs) in Part 792 and certified to per 792.12. Subpart A - General Provisions; Subpart B - Specific Chemical Test Rules; Subpart C- Testing Consent Orders and Subpart D - Multi-Chemical Test Rules. [~ 91 pages] | Remove sunsetted rules (up to 30 chemicals and ~ 60 CFR pages) and make technical changes covering CAS numbers.   | B-C              |
| <b>**745</b><br>[Proposals<br>] | Lead-based Paint Rules       |  | Only 1 of the 5 proposals is expected to publish before June 1.   | N                |
|                                 | CFCs                         | OAR lead.  |   |                  |
| <b>**725</b><br>[Proposal]      | Bio-tech                     | Currently TSCA Biotech program operates under 1986 policy statement, which requires new microorganisms to be reported under Part 720 (PMN rule). Proposed rule establishes a new part 725 and codifies regulations specifically for microorganisms.  | Can portray 9/94 proposed rule as significant streamlining of 1986 policy statement.  | A                |

| 40 CFR<br>Part/ §  | Short Title  | Brief Description   | Comments  | Preliminary<br>Call |
|--------------------|--|---|---|---------------------|
| *non-CFR<br>Policy | TSCA §8(e) -<br>Reporting Significant<br>Adverse Effects | Requires manufacturers, processors, and distributors to submit to EPA "substantial risk" information they obtain on chemical substances and mixtures. This is a mandatory reporting requirement that became effective at the same time as the Act, January 1, 1977. Reporting guidance was finalized in 1978. Changes to the environmental contamination section were proposed in 1993, many of which would decrease the reporting burden. The overall reporting history of Section 8(e) was studied as a requirement of the ICR renewal. | Implement changes proposed in 1993 (and perhaps others from 4/95 comment period) dealing with environmental contamination; uncertain burden reduction, but clearer guidance. ICR study might lead to a number of burden reducing actions affecting "effects" reporting part of guidance, which accounts for bulk of reporting. Revise Policy Statement accordingly. | C                   |

## **OAR REGULATION REVIEW CANDIDATES FOR DELETION**

The following list contains proposed deletions because the rule or part of the rule is obsolete or has been superseded.

### **OAQPS**

#### **PART 51-- Nominations 1 - 9 are all Part 51.**

1. Subpart D-Maintenance of National Standards  
Sections 51.40-63
2. Subpart F-Procedural Requirements  
Section 51.101 Stipulations  
Section 51.104 Revisions  
Section 51.105 Approval of plans
3. Subpart G-Control Strategy  
Section 51.110 (a)-(l) Attainment and Maintenance of  
National Standards  
Section 51.111 (a)-(c) Description of control measures-  
Section 51.113 Time period for demonstration of adequacy
4. Subpart J-Ambient Air Quality Surveillance  
Section 51.190 Ambient Air Quality Monitoring  
Requirements
5. Subpart K-Source Surveillance  
Section 51.213 Transportation control measures-
6. Subpart M-Intergovernmental Consultation  
Sections 51.241-252
7. Appendix U- Clean Air Act Section 174 Guidelines-
8. Subpart O-Miscellaneous Plan Content Requirements  
Section 51.285
9. Subpart R-Extensions  
Sections 51.340-341

10. 40 CFR 60 Subpart AAA - Portions of Section 60.533 and 60.536 - Standards of Performance for New Residential Wood Heaters
11. 40 CFR 60 Subpart BB - Section 60.286 - Standards of Performance for Kraft Pulp Mills.. Innovative technology waiver
12. 40 CFR 60 Subpart D - Section 60.47 - Standards of Performance for Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971
13. 40 CFR 60 Subpart Da - Section 60.45a - Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978 (Need additional information)
14. 40 CFR 60 Subpart J - Section 60.100(e) and 60.107(f) - Standards of Performance for Petroleum Refineries (Need additional information)
15. 40 CFR 61 Subpart P - NESHAP for Arsenic from Arsenic Trioxide & Metallic Arsenic Production Facilities
16. 40 CFR Part 65 - Delayed Compliance Orders

PART 52-- Nominations 17 - 20 are all Part 52.

17. 40 CFR Part 52.06 (b) & (c) - Legal Authority
18. 40 CFR Part 52.19 - Revision of Plans by Administrator
19. 40 CFR Part 52.22 & Appendix A - Maintenance of national standards
20. 40 CFR Part 52.25 - Date for submission of Srt II CTG regulations

**OMS**

1. 40 CFR 86.xxx-22 - LDV/LDT Parameter Adjustment Regulations (portions of the reg)
2. 40 CFR 86.084-15 - 1984 MY Heavy - Passenger Car Emission
3. 40 CFR part 85 subpart E - Oxides of Nitrogen Research Program
4. 40 CFR Part 86 (Need specific citations) - Older Model Year Performance
5. 40 CFR 86 Subpart P - Idle CO Regulations for LDT
6. 40 CFR 86.1104-87 and 86.1104-90 - Determination of Upper limits (non-conformance penalties)

7. 40 CFR 86.1105-87 (b) and (c) (1) and (d) - Emission Standards for which NCP's are Available
8. 40 CFR 86.1113-87 (g) (1) (iii), (iv) and (v) - Calculation and Payment of (NCP) penalty  
\* need to check with CARB
9. 40 CFR 86.608-88 (subpart G) - Test Procedures (for selective enforcement auditing of new light-duty vehicles
10. 40 CFR 86.1003-88(subpart K) - Test and Orders(for selective enforcement auditing of new heavy duty engines, heavy duty vehicles and light-duty trucks)
11. 40 CFR 86.1005-88 - Maintenance of records submittal of information
12. 40 CFR 86.1008-88 (subpart K) - Test Procedures (pertaining to selective enforcement auditing of new heavy-duty engines, heavy-duty vehicles, and light-duty trucks
13. 40 CFR Part 86 Appendix I - Urban Dynamometer Schedules

## OAP

1. 40 CFR 762 - Fully Halogenated Alkanes (Aerosol Ban of 1978)



**OAR REGULATION REVIEW  
CANDIDATES FOR MODIFICATION or REVISION**

**The following candidate regulations are nominated for specific modifications and or revisions.**

**OAQPS**

- 1. 40 CFR 60 Subpart DD - Grain Terminal and Grain Storage Elevators**
- 2. 40 CFR 60 Subpart NN - Standards of Performance for Phosphate Rock Plants**
- 3. 40 CFR 60 Subpart G - Standards of Performance for Nitric Acid Plants**
- 4. 40 CFR 60 Subpart F - Standards of Performance for Portland Cement Plants**
- 5. 40 CFR 71 Subpart B - Permits for Early Reductions Sources**
- 6. 40 CFR Part 58- Ambient Air Quality Surveillance - General Update**
- 7. 40 CFR Part 58 Subpart F - Air Quality Index Reporting**
- 8. 40 CFR Section 60.530-531 NSPS Subpart AAA -- New Residential Wood Heaters**
- 9. 40 CFR Part 51.323 (a)(1), (a)(2),(b)  
(Submitted by R6)**
- 10. 40 CFR Part 52.02 -- introduction**
- 11. 40 CFR Part 52.03- Extensions**
- 12. 40 CFR Part 52.16- Submissions to Administrator**

## **OMS**

1. **40 CFR 86.xxx-2 - Part 86 Definitions**
2. **40 CFR 86.094-17- OBD Diagnostics (OBD)**

## **ORIA**

1. **40 CFR Part 61 Subpart R - National Emission Standards for Radon Emissions From Phosphogypsum Stacks**
2. **40 CFR Part 61 Subpart W - National Emission Standards for Radon Emissions From Operating Mill Tailings**

**OAR REGULATION REVIEW  
REGULATIONS CURRENTLY BEING MODIFIED OR REVISED**

**OAQPS**

1. Sections 51.850-860 Being - "modified to cover attainment areas
2. Part of 40 CFR 60- Polymers & Resins NSPS
3. Part 81 -- FR notice is in process that would remove TSP area designations which are obsolete for 12 states.
4. 40 CFR Part 51, Subpart Q, 51.321, 51.322, and 51.323- Annual source emissions and State action report, sources subject to emissions reporting, reportable emissions data and information.
5. 40 CFR Part 58- Ambient Air Quality Surveillance Siting Criteria for Open Path Analyzers
6. 40 CFR Part 58- Modification to Lead Monitoring Requirements in Ambient Air Quality Surveillance
7. Parts of 40 CFR 60 Subparts III, NNN, RRR - NSPS for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation (III), Distillation (NNN) and Reactor Processes (RRR) to reduce the release of VOC emissions

**OMS**

1. 40 CFR 80.20-80-25 (with some CFR definitions contained in section 80.2)  
- Leaded Gasoline Regulations

**OAP**

1. 40 CFR 82, Subpart A - Accelerated Phaseout of Ozone-depleting Substances, (Administrative Changes to the Final Phaseout Rule)

2. **40 CFR 82, Subpart F - National Refrigerant Recovery and Recycling  
(Supplemental Rule to Amend Leak Repair Provisions under Section 608)  
(Amendment to the Refrigerant Recycling Rule to Establish More Flexible  
Standards for Recycling and Recovery)**
3. **40 CFR 82, Subpart B - Servicing of Motor Vehicle Air Conditioners  
(Motor Vehicle Air-conditioning Recover-only Rule)**

**ORIA**

1. **40 CFR Part 61 Subpart I - National Emission Standards for Radionuclide  
Emissions From Facilities Licensed by the Nuclear Regulatory Commission  
(NRC) and Federal Facilities Not Covered by Subpart H**

## **OAR REGULATION REVIEW CANDIDATE REGULATIONS FOR FURTHER STUDY**

### **OAQPS**

1. **40 CFR 60 Subpart Dc - Standards of Performance for Small Industrial Commercial -Institutional Steam Generating Units (R7)**
2. **40 CFR 60 Subpart 000- Non-Metallic Minerals NSPS (R7)**
3. **40 CFR Subpart HHH - Standards of Performance for Synthetic Fibers Process**
4. **40 CFR 60 Subpart A - Standards of Performance for New Stationary Sources - General Provisions**
5. **40 CFR Subpart D \_ National Emission Standards for Beryllium Rocket Motor Firing**
6. **40 CFR 60 Subpart N - Primary Emissions from Basic Oxygen Process Furnaces**
7. **40 CFR 60 Subpart Na - Secondary Emissions from Basic Oxygen Process Steelmaking Facilities**
8. **40 CRF 61 Subpart O - NESHAP: Arsenic from Primary Copper Smelters**
9. **40 CFR 60 Subpart AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed after 10/21 /74**
10. **40 CFR 61 Subpart AAa - Electric Arc Furnaces and Argon Oxygen Decarburization Vessels Constructed after 8/1 7/83**
11. **40 CFR 60 Subparts VV, GGG, KKK and Part 61 Subparts V and J respectively**
12. **40 CFR 60 Subpart BB - Standards of Performance for Kraft Pulp Mills**
13. **40 CFR 60 Subpart FF - National Emission Standard for Benzene Waste Operations**

14. 40 CFR 51.100 (o) Subpart F - Procedural Requirements
15. Subpart F - Procedural Requirements  
Section 51.102 Public Hearings
16. Subpart G - Control Strategy  
Section 51.111 (d) Description of enforcement measures
17. Subpart K - Surveillance  
Section 51.210-212 Emission reports, recordkeeping, testing,  
inspection, enforcement, complaints
18. Section 51.214 Continuous emission monitoring
19. 40 CFR 60.648 Procedure
20. Part 51, Appendix P (Region VII)
21. 40 CFR Part 60, Subpart XX (R 10)
22. 40 CRF Part 58 - Ambient Air Quality Surveillance - Photochemical  
Assessment Monitoring Stations (PAMS)

## **OMS**

1. Registration of Fuels and Fuel Additives
2. AMA Durability Certification - Part 86
3. Pre-Production 0 Certification Process - Part 86
4. Certification of ICIs - Part 85, Subpart P

## **OAP**

1. 40 CFR 82, Subpart E, Labeling rule
2. Part 73, Acid Rain Final Rule

## **ORIA**

1. 40 CFR Part 191 Appendix C

**OAR REGULATION REVIEW  
NOMINATIONS  
REGION 9 SUBMISSIONS  
INDEX**

**I > DELETE**

1. **CALIFORNIA 52.276 Sulfur content of fuels.**
2. **§52.229**
  - (b) (2) (i) SCAQMD Rule 461, Gasoline Transfer and Dispensing.
  - (c) (1) Los Angeles County APCD Rule 69, Vacuum Producing Devices or Systems -- superseded by SCAQMD Rule 465.
  - (c) (2) San Bernardino County APCD Rule 69, Vacuum Producing Devices or Systems -- superseded by San Bernardino Rule 465.
  - (c) (3) Riverside country APCD Rule 74, Vacuum Producing Devices or Systems -- superseded by SCAQMD Rule 465.
  - (c) (4) Orange County APCD Rule 69, Vacuum Producing Devices or Systems -- superseded by SCAQMD Rule 465.
3. **§52.269**
  - (b) (3) (i) (A) Los Angeles County APCD Rule 465.
  - (b) (3) (ii) (A) Riverside County APCD Rule 465.
  - (b) (3) (ii) (B) Riverside County APCD Rule 461.
  - (b) (4) (i) (B) Great Basin Unified APCD Rule 419.
  - (c) (1 )(i)(A) Yolo-Solano APCD Rule 2.21.
4. **52.146 Particulate Matter (PM-10) Group II SIP Commitments.**
5. **52.634 Particulate Matter, PM-10, Group III SIP, promulgated 5/90**
6. **52.1489 Particulate matter (PM-10) Group II SIP commitments.**
7. **52.263 Priority Treatment for buses and carpools - Los Angeles Region**
8. **52.129 part (c)-(g)**
  - Review of new sources and modifications
9. **52.233 part (f), (g), (j), and (k)**
  - Review of new sources and modifications
10. **52.622 Extentions**

**11. 52.629 Review of new sources and modifications**

**IV> STUDY FURTHER**

- 1. ARIZONA 52.123 Approval status (except (a) and (b))**
- 2. ARIZONA 52.140 Monitoring transportation trends**
- 3. 52.143 & 52.267**  
**(Maintenance of National Standards. PM, 03, CO)**
- 4. 40 CFR 52.239 Approval of alternative compliance plans for the BAAQMD**
- 5. 40 CFR 52.253 Metal coating surface coating thinner and reducer--  
Photochemical compound content restrictions.**
- 6. 40 CFR 52.234 Source surveillance requirements**
- 7. 52.130 Source Surveillance**
- 8. 52.134 Compliance Schedules**



## OSWER REGULATORY REVIEW ANALYSIS

### CEPPO REGULATIONS

#### Revise Rule of statute

- o Emergency Planning (40 CFR 355.30)
- o Emergency Release Notifications (40 CFR Part 355.40)
- o Hazardous Chemical Reporting: Community Right-to-Know (40 CFR Part 370). EPCRA sections 311 and 312

#### Possibly Revise Rules, but Further Study Necessary

- o Trade Secrecy Claims for Emergency Planning and Community Right-to-Know Information: And Trade Secret Disclosures to Health Professionals (40 CFR Part 350).

### OUST REGULATIONS

#### NO ACTION

- o Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST) (40 CFR Part 280).

#### Revise Rule or Statute

- o Hazardous Substance UST Financial Responsibility (HSWA Subtitle I)

#### Possibly Revise Rules, but Further Study Necessary

- o Approval of State Underground Storage Tank Programs (40 CFR Part 281).

**OERR REGULATIONS**  
**March 23, 1995**

**NO ACTION**

- 1. Part 300: The NCP:
  - a. Subpart A: Introduction/Definitions HSCD
  - b. Subpart B: Responsibility for Response ERD/HSCD
    - 300.150 - Worker Health and Safety
  - c. Subpart C: Planning and Preparedness CEPPPO/ERD
  - d. Subpart D: Oil Removal ERD
  - e. Subpart E: Hazardous Substance Response HSCD/ERD/HSCD
    - 300.400 to 300.415
    - 300.425(e) - Deletion from NPL
    - 300.430
    - 300.435(a), (b), (c), (d) and (e)
    - 300.435(f) - Operation and Maintenance
  - g. Subpart G: Trustees for Natural Resources HSCD
  - i. Subpart I: Administrative Record HSCD/OSRE
    - 300.800 - Est. of Admin. Record
  - j. Subpart J: Use of Dispersants ERD
  - m. Appendix A: Hazardous Ranking System HSED
  - n. Appendix B: NPL HSED
  - o. Appendix C: Dispersant and Toxicity Tests ERD
- 2. Part 302: Designation, RQs, and Notification CEPPPO/ERD
  - 302.1 - Applicability
  - 302.3 - Definitions
  - 302.5 - Determination of reportable quantities
  - 302.7 - Penalties
- 5. Part 305: Administrative Hearing for Claims HSCD/OSRE
- 9. Part 311: Worker Protection HSCD
- 17. Part 110: Discharge of Oil ERD
- 20. Part 114: Civil Penalties for Oil Pollution ERD/OSRE
- 21. Part 116: Designation of Hazardous Substances ERD/CEPPPO
  - 116.1 - Applicability
  - 116.2 - Abbreviations
  - 116.3 - Definitions
  - 116.4 - Designation of HazSubstances
- 22. Part 117: Determination of RQs ERD/CEPPPO

**OBSOLETE**

- 1. Part 300: The NCP:
- l. Subpart L: Lender Liability OSRE
- p. Appendix D: Actions and Methods for Remedying HSCD

**OBSOLETE POSSIBLY REVISE RULES, but further study necessary**

- 16. Part 109: Criteria for Oil Removal Plans ERD
- 19. Part 113: Liability Limits ERD/OSRE

|  |               |
|--|---------------|
| <b>REVISE RULE(S) OR STATUTE</b>   |               |
| 2. Part 302: Designation, RQs, and Notification  | CEPPO/ERD     |
| 302.2 - Abbreviations  |               |
| 302.4 - Designation of HazSubstances   |               |
| 4. Part 304: Arbitration Procedure   | OSRE          |
| 8. Part 310: Reimbursement Local Governments   | ERD           |
| <br><b>POSSIBLY REVISE RULES, but further study necessary</b>  |               |
| 18. Part 112: Oil Pollution Prevention   | ERD           |
| 1. Part 300: The NCP:  |               |
| e. Subpart E: Hazardous Substance Response   | HSCD/ERD/HSCD |
| 300.415(m)(2)(i) -Community relations<br>in Removal Actions  |               |
| 300.415(m)(3)(iii) -Information repository notice  |               |
| 300.415(m)(4)(ii) -EE/CA Notice  |               |
| 300.430(f)(3)(i)(A) -RI/FS Proposed Plan Notice  |               |
| 300.430(f)(6) -ROD notification  |               |
| 300.435(c)(2)(i)(B) -Notice of explanation<br>of significant differences                             |               |
| 300.435(c)(2)(ii)(G) -Notice of amended ROD  |               |
| 300.425(e)(4)(ii) -Deletion notice   |               |
| f. Subpart F: State Involvement  | HSCD          |
| h. Subpart H: Participation by Other Persons   | HSCD/OSRE     |
| 300.700 -Activities by other persons   |               |
| i. Subpart I: Administrative Record  | HSCD/OSRE     |
| 300.815(a) -AR remedial action notice  |               |
| 300.820(b)(1) -Administrative record file<br>for a removal action (notice)                           |               |
| q. Appendix E: Oil Spill Response  | ERD           |
| 2. Part 302: Designation, RQs, and Notification  | CEPPO/ERD     |
| 302.6 -Notification Requirements   |               |
| 302.8 -Continuous Releases   |               |
| 7. Part 307: CERCLA Claims Procedures  | HSCD          |
| 307.10 - 307.42  |               |
| 23. Part 35: State and Local Assistance  | HSCD          |
| a. Subpart M: Grants for Technical Assistance  |               |
| b. Subpart O: Cooperative Agreements and Superfund<br>State Contracts for Superfund Response Actions |               |
| 24. SARA Section 117(d): Publication   | HSCD          |
| <br><b>NOT ADDRESSED</b>   |               |
| 1. Part 300: The NCP:  |               |
| k. Subpart K: Federal Facilities   | RESERVED      |
| 3. Part 303: Citizen Awards for Information  | OSRE          |
| 6. Part 306: Natural Resources Damages   | OSRE          |
| 10. Part 350: Trade Secrecy Claims   | CEPPO         |
| 11. Part 355: Emergency Planning/Notification  | CEPPO/ERD     |
| 12. Part 370: Haz. Reporting/Community Right to Know   | CEPPO         |
| 13. Part 372: Tox. Reporting/Community Right to Know   | CEPPO         |
| 14. Part 373: Selling/Transferring Federal Property  | FF            |
| 15. Part 374: Prior Notice of Citizen Suits  | OSRE          |

# OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u>                   | <u>Review Category</u> | <u>ICR Burden Red</u> |            |              | <u>R e s o u r c e</u> |            |
|--|------------------------|-----------------------|------------|--------------|------------------------|------------|
|  |                        | <u>No</u>             | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u>          |            |
|  |                        |                       |            |              | <u>No</u>              | <u>Yes</u> |
| <u>MUNICIPAL SOLID WASTE</u>                                   |                        |                       |            |              |                        |            |
| Part 238 (Degradable Plastic Ring Carriers)                    | OB                     | X                     |            |              | X                      |            |
| Part 240 (Guidelines for Thermal Processing of Solid Wastes)   | OB                     | X                     |            |              | X                      |            |
| Part 241 (Guidelines for Disposal of Solid Wastes)             | OB                     | X                     |            |              | X                      |            |
| Part 244 (Solid Wastes Guidelines for Beverage containers)     | OB                     | X                     |            |              | X                      |            |
| Part 245 (Resource Recovery Facility Guidelines)               | OB                     | X                     |            |              | X                      |            |
| Part 246 (Source separation for Materials Recovery Guidelines) | OB                     | X                     |            |              | X                      |            |
| Parts 248/250/252/253 (Procurement Guide'l)                    | R                      | X                     |            |              |                        | X          |

## CODES

NA - NO ACTION

OB - OBSOLETE

R - REVISE RULE(S)

FS - POSSIBLY REVISE RULES, BUT FURTHER STUDY REQUIRED

# OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u>   | <u>Review<br/>Category</u> | <u>ICR Burden</u> |            |              | <u>R e s o u r c e</u> |                      |
|--|----------------------------|-------------------|------------|--------------|------------------------|----------------------|
|  |                            | <u>No</u>         | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u>          | <u>No</u> <u>Yes</u> |
| Part 255 (Identification of Regons and Agencies for Solid Waste Mgt.)                      | OB                         | X                 |            |              | X                      |                      |
| Part 256 (Guidelines for Developmement and Implementation of State Solid Waste Mgt. Plans) | OB                         | X                 |            |              | X                      |                      |
| Part 258 (Criteria for Classification of Solid Waste Disposal Facilities and Practices)    | R                          |                   | X          |              |                        | X                    |
| Part 258 (Financcal Assurance Criteria)  | R                          |                   | X          |              |                        | X                    |
| <u>MEDICAL WASTE</u>   |                            |                   |            |              |                        |                      |
| Part 259 (Medical Waste Tracking and Standards)  | OB                         | X                 |            |              | X                      |                      |
| <u>HAZARDOUS WASTE:GENERAL/ANALYTICAL METHODS</u>  |                            |                   |            |              |                        |                      |
| Part 260 (Hazardous Waste Mgt System:Gen.)   | NA                         |                   |            |              |                        |                      |
| Part 260/Subpart B/40 CFR 260.10-11 (Definitions)  | R                          |                   | X          |              | X                      |                      |
| Part 260/Subpart C/ 40 CFR 260.20 (Rulemaking Petitions)                                   | NA                         |                   |            |              |                        |                      |
| Parts 260/261/264/266/268/270 (Analytical Methods)   | FS                         | X                 |            | X            |                        |                      |

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# OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u>                         | <u>Review Category</u> | <u>ICR Burden Red</u> |            |              | <u>R e s o u r c e</u> |                      |
|--|------------------------|-----------------------|------------|--------------|------------------------|----------------------|
|  |                        | <u>No</u>             | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u>          | <u>No</u> <u>Yes</u> |
| Part 262/Subpart D/40 CFR 262.40-44<br>(Recordkeeping and Reporting) | FS                     |                       | X          |              | X                      |                      |
| Part 262/Subpart E/40 CFR 262.50-57<br>(Exports of Hazardous Wastes) | FS                     |                       | X          |              | X                      |                      |
| Part 262/Subpart F/40 CFR 262.60<br>(Imports of Hazardous Wastes)    | FS                     |                       | X          |              | X                      |                      |
| Part 262/Subpart G/40 CFR 262.70 (Farmers)                           | NA                     |                       |            |              |                        |                      |
| <u>TRANSPORTERS</u>  |                        |                       |            |              |                        |                      |
| Part 263/Subpart A/40 CFR 263.10<br>(Scope)                          | NA                     |                       |            |              |                        |                      |
| Part 263/Subpart A/40 CFR 263.11<br>(EPA Identification Number)      | FS                     |                       | X          |              | X                      |                      |
| Part 263/Subpart A/40 CFR 263.12<br>(Transfer Facilities)            | FS                     |                       | X          |              | X                      |                      |
| Part 263/Subpart B/40 CFR 263.20-22<br>(Manifest and Recordkeeping)  | R                      |                       | X          |              | X                      |                      |
| Part 263/Subpart C/40 CFR 263.30-31<br>(Hazardous Waste Discharges)  | NA                     |                       |            |              |                        |                      |

# OSW Regulatory Reform Analysis

| Activity (Part/Subpart/CFR reference)                                      | <u>Review<br/>Category</u> | <u>ICR Burden</u> |            |              | <u>R e s o u r c e</u> |            |
|--|----------------------------|-------------------|------------|--------------|------------------------|------------|
|  |                            | <u>No</u>         | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u>          |            |
|  |                            |                   |            |              | <u>No</u>              | <u>Yes</u> |
| <u>Facility Standards, Treatment Standards</u>                             |                            |                   |            |              |                        |            |
| Part 264/Subpart A (General)   | NA                         |                   |            |              |                        |            |
| Part 264/Subpart B (General Facility Standards)                            | FS                         |                   | X          |              | X                      |            |
| Part 264/ Subpart C (Prep and Prev. and Subpart D (Cont Pln & Emerg Proc)  | FS                         |                   | X          |              | X                      |            |
| Part 264/Subpart E (Manifest and Recordkeeping)                            | R                          |                   | X          |              |                        | X          |
| Part 264/Subpart F (Ground Water Releases Subpart G (Closure & Post Clos.) | R                          |                   | X          |              |                        | X          |
| Part 264/Subpart H (Fin.Responsibility)                                    | R                          |                   | X          |              |                        | X          |
| Part 264/Subpart J (Tanks)   | FS                         |                   | X          |              | X                      |            |
| Part 264/Subpart K (Surf.Impoundments)                                     | NA                         |                   |            |              |                        |            |
| Part 264/Subpart L (Waste Piles)   | NA                         |                   |            |              |                        |            |
| Part 264/Subpart M (Land Treatment)  | NA                         |                   |            |              |                        |            |
| Part 264/Subpart N: Liquids in Landfills)                                  | R                          |                   | X          |              | X                      |            |
| Part 264/Subpart O (Incinerator Stand.)                                    | R                          |                   |            | X            |                        | X          |

# OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u>   | <u>Review Category</u> | <u>ICR Burden</u> |            |              | <u>R e s o u r c e</u> |                      |
|--|------------------------|-------------------|------------|--------------|------------------------|----------------------|
|  |                        | <u>No</u>         | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u>          | <u>No</u> <u>Yes</u> |
| Part 264/ Subpart X, Part 265/Subpart P:<br>(Miscellaneous Units)  | NA                     |                   |            |              |                        |                      |
| Part 264/Subpart W (Drip Pads)   | FS                     |                   | X          |              | X                      |                      |
| Part 264/ Subparts AA, BB, CC<br>(RCRA Air Emissions)  | R                      |                   | X          |              | X                      |                      |
| Part 264/Subpart DD (Containment Bldgs)  | FS                     |                   | X          |              | X                      |                      |
| Part 265/Subpart I (Containers)  | R                      |                   | X          |              | X                      |                      |
| Part 265/Subparts A-DD   | R                      |                   | X          |              | X                      |                      |
| Part 266/Subpart H/40 CFR 266.100<br>(Light Wt. Aggregate Kiln)  | R                      |                   |            | X            |                        | X                    |
| <u>LAND DISPOSAL RESTRICTIONS</u>  |                        |                   |            |              |                        |                      |
| Part 268/Subpart A/40<br>(Regulatory Language, Records,<br>Ref Tables)   | R                      |                   |            |              | X                      | X                    |
| Part 268/Subpart C/40 CFR 268.6<br>(No Migration Petition)   | FS                     |                   | X          |              | X                      |                      |
| Part 268/Subpart A/40 CFR 268.7<br>(Land Disp Waste Analysis<br>Subpart D/40 CFR 268.41-43<br>Land Disp Treat Stand) | R                      |                   |            | X            |                        | X                    |



# OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u>  | <u>Review<br/>Category</u> | <u>ICR Burden</u> |            |              | <u>R e s o u r c e</u> |            |
|---|----------------------------|-------------------|------------|--------------|------------------------|------------|
|   |                            | <u>No</u>         | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u>          |            |
|   |                            |                   |            |              | <u>No</u>              | <u>Yes</u> |
| <u>State Program Authorization and Grants</u>   |                            |                   |            |              |                        |            |
| PART 271/Subpart B/40 CFR<br>271.121-138.3(c), (e), .20(e)<br>(Interim Auth for States)   | OB                         | X                 |            |              | X                      |            |
| Part 271/Subpart A/40<br>CFR 271.1-20, .22-.26: Final<br>State Authorization-Base Program | NA                         |                   |            |              |                        |            |
| Part 271/Subpart A/40<br>CFR 271.21: Revisions of State Prog.                             | FS                         |                   | X          |              | X                      |            |
| <u>Permits</u>  |                            |                   |            |              |                        |            |
| Part 124 (Public Participation in<br>Permitting)  | FS                         |                   |            | X            | X                      |            |
| Part 270 (Haz Waste Permit Program)   | FS                         |                   | X          |              | X                      |            |
| <u>CORRECTIVE ACTION</u>  |                            |                   |            |              |                        |            |
| Part 24 (Rules Governing Issuance<br>of Administrative Hearings on<br>Corrective Action)  | FS                         | X                 |            |              | X                      |            |
| CERCLA 108(B): Financial Resp<br>(regs never promulgated)                                 | R                          | X                 |            |              | X                      |            |
| Part 264/Subpart S (Corrective Action) R  |                            |                   | X          |              |                        | X          |

# OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u>   | <u>Review Category</u> | <u>ICR Burden Red</u> |            |              | <u>R e s o u r c e</u> |            |
|--|------------------------|-----------------------|------------|--------------|------------------------|------------|
|  |                        | <u>No</u>             | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u>          |            |
|  |                        |                       |            |              | <u>No</u>              | <u>Yes</u> |
| <u>HAZARDOUS WASTE IDENTIFICATION</u>  |                        |                       |            |              |                        |            |
| Parts 261/266 (Identification and Listing of Hazardous Waste/Recyclable Matls) (Definition of Solid Waste) | R                      |                       | X          |              |                        | X          |
| Part 261/40CFR 261.3/260.22 (Definition of Hazardous Waste and Delisting Petitions)                        | R                      |                       | X          |              | X                      |            |
| Part 261/40 CFR 261.4 (b) (3,4,5,7) (Exclus.)  | NA                     |                       |            |              |                        |            |
| Part 261/40 CFR 261.4 (b) (8) (Exclus.)  | R                      |                       | X          |              |                        | X          |
| Part 261/40 CFR 261.5 (Req. for CESQG)   | R                      |                       | X          |              | X                      | X          |
| Part 261/40 CFR 261.7 (Residues of Hazardous Waste in empty Containers)                                    | R                      |                       | X          |              | X                      |            |
| Part 261/ Subpart B/40 CFR 261.10-11 (Criteria for Identifying and Listing Hazrdous Waste)                 | R                      | X                     |            |              | X                      |            |
| Part 261/Subpart C/40 CFR 261.20-24 (Characteristics of Hazardous Waste)                                   | R                      |                       | X          |              |                        | X          |
| Part 261/Subpart C/ 40CFR 261.24 (Toxicity Characteristic for Silver)                                      | R                      |                       | X          |              | X                      |            |
| Part 261/Subpart D/40 CFR 261.30-32 (Lists of Hazardous Wastes)  | NA                     |                       |            |              |                        |            |

# OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u>         | <u>Review<br/>Category</u> | <u>ICR Burden</u> |            |              | <u>R e s o u r c e</u> |            |
|--|----------------------------|-------------------|------------|--------------|------------------------|------------|
|  |                            | <u>No</u>         | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u>          |            |
|  |                            |                   |            |              | <u>No</u>              | <u>Yes</u> |
| <u>Land Disposal Restrictions (continued)</u>        |                            |                   |            |              |                        |            |
| Part 268: Treat Stand Equiv. with Clean<br>Water Act | FS                         |                   |            |              | X                      | X          |
| 3004(1): Ban on Dust Suppression                     | R                          |                   | X          |              | X                      |            |
| <u>Capacity Planning</u>                             |                            |                   |            |              |                        |            |
| 40 CFR 300.510(e): Capacity<br>Assurance Plan        | OB                         |                   | X          |              |                        | X          |

# OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u>  | <u>Review<br/>Category</u> | <u>ICR Burden Red</u> |            |              | <u>R e s o u r c e</u> |                      |
|---|----------------------------|-----------------------|------------|--------------|------------------------|----------------------|
|   |                            | <u>No</u>             | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u>          | <u>No</u> <u>Yes</u> |
| Part 261/Subpart D/40 CFR 261.33<br>(Lists of Haz Waste- Discarded CCP)                                       | FS                         |                       |            | X            | X                      |                      |
| Part 261/Subpart D/40 CFR 261.35<br>(Deletion of certain Haz Waste codes)                                     | FS                         |                       | X          |              | X                      |                      |
| <u>GENERATOR STANDARDS</u>  |                            |                       |            |              |                        |                      |
| Part 262/Subpart A/40 CFR 262.10-11<br>(Purpose, Scope and Applicability,<br>Hazardous Waste Determination)   | NA                         |                       |            |              |                        |                      |
| Part 262/Subpart A/40 CFR 262.12<br>(EPA Identification Numbers)  | R/FS                       |                       | X          |              | X                      |                      |
| Part 262/Subpart B/40 CFR 262.20-23<br>(Manifest)   | R                          |                       | X          |              |                        | X                    |
| Part 262/Subpart C/262.30-33<br>(Pre-Transport Requirements)  | NA                         |                       |            |              |                        |                      |
| Part 262/Subpart C/40 CFR 262.34(a)/(a)(4)<br>(Accumulation Time for Generators-<br>Addressed under Part 264) | NA                         |                       |            |              |                        |                      |
| Part 262/Subpart C/40 CFR 262.34(b) and (f)<br>(Accumulation Time > 90 days)                                  | FS                         |                       | X          |              | X                      |                      |
| Part 262/Subpart C/40 CFR 262.34 (c)-(e)<br>(Accumulation Time- Satellite Points)                             | FS                         |                       | X          |              | X                      |                      |

## OW CFR Review

| Part                      | Title (As of 7/1/94)  | Office/<br>Pages | Obsolete/<br>Outdated/<br>Superseded | Consol-<br>idate/<br>Modify<br>to Sim-<br>plify | Stream-<br>line<br>Report/<br>Record<br>Keeping | Doing<br>Already | Can<br>De-<br>lete<br>by<br>June | Need<br>More<br>Time* |
|---------------------------|---|------------------|--------------------------------------|---|---|------------------|----------------------------------|-----------------------|
| 35-<br>C;D;<br>E;I;<br>&J | <b><u>SUBCHAPTER B - GRANTS AND<br/>OTHER FEDERAL ASSISTANCE</u></b>  |                  |                                      |   |   |                  |                                  |                       |
|                           | Grants for Construction of Wastewater Treatment Works; Reimbursement Grants; Grants for Construction of Treatment-Clean Water Act; Grants for Construction of Treatment Works; and Construction Grants Program Delegation to States (pgs. 467-572, & 584-623) | OWM/144          | X<br>(1)                             |   |   |                  |                                  | X<br>(1)              |
|                           | 35-H Cooperative Agreements for Protecting and Restoring Publicly Owned Freshwater Lakes (pgs. 572-584)   | OWOW/12          |                                      |   |   |                  |                                  |                       |
|                           | 35-K State Water Pollution Control Revolving Funds (pgs. 623-635)   | OWM/12           |                                      |   |   |                  |                                  |                       |
| 35-P                      | Financial Assistance for the National Estuary Program (pgs. 678-681)  | OWOW/3           |                                      |   |   |                  |                                  |                       |

( ) Numbers in parentheses indicate number of fact sheets attached.

\* Need legislative changes for some of the recommended revisions.

\*\* Need legislative changes for all of the recommended revisions.

| Part | Title (As of 7/1/94)  | Office/<br>Pages | Obsolete/<br>Outdated/<br>Superseded | Consol-<br>idate/<br>Modify<br>to Sim-<br>plify | Stream-<br>line<br>Report/<br>Record<br>Keeping | Doing<br>Already | Can<br>De-<br>lete<br>by<br>June | Need<br>More<br>Time* |
|------|---|------------------|--------------------------------------|---|---|------------------|----------------------------------|-----------------------|
| 35-Q | General Assistance Grants<br>to Indian Tribes (pgs.<br>681-683)   | AIEO/2           |                                      |   |   |                  |                                  |                       |
| 104  | <u>SUBCHAPTER D-WATER<br/>PROGRAMS</u><br><br>Public Hearings on Efflu-<br>ent Standards for Toxic<br>Pollutants-CWA Sec. 307(a)<br>(pgs. 5-11) | OST/6            |                                      |   |   |                  |                                  |                       |
| 108  | Employee Protection Hear-<br>ings-CWA Sec. 507(e) (pgs.<br>11-12)   | ? /1             |                                      |   |   |                  |                                  |                       |
| 121  | State Certification of<br>Activities Requiring a<br>Federal License or Permit<br>(pgs. 113-117)   | OWM/4            |                                      | X<br>(1)  |   |                  |                                  | X<br>(1)              |
| 122  | EPA Administered Permit<br>Programs: NPDES-CWA Sec.<br>318, 402 & 405 (pgs. 117-<br>195)  | OWM/78           | X<br>(8)                             | X<br>(11)                                       | X<br>(8)  | X                | X<br>(8)                         | X*<br>(11)            |
| 123  | State Program Requirements<br>-CWA Sec. 318, 402 & 405<br>(pgs. 195-220)  | OWM/25           |                                      | X<br>(1)  |   |                  |                                  | X<br>(1)              |

| Part | Title (As of 7/1/94)  | Office/<br>Pages      | Obsolete/<br>Outdated/<br>Superseded |
|------|---|-----------------------|--------------------------------------|
| 124  | Procedures for Decision-making-NPDES/UIC/RCRA/<br>UIC & PSD (pgs. 220-273)  | OWM &<br>OGWDW/<br>53 |                                      |
| 125  | Criteria & Standards for<br>NPDES-CWA Sec. 301(b),<br>301(c), 301(g), 301(h),<br>301(i), 301(k), 304(e),<br>316(a), 316(b), 318, 402,<br>& 405 (pgs. 274-310) | OWM/36                | X<br>(1)                             |
| 129  | Toxic Pollutant Effluent<br>Standards-CWA Sec. 307,<br>308 & 501 (pgs. 310-321)   | OST/11                |                                      |
| 130  | Water Quality Planning &<br>Management-CWA Sec. 106,<br>205(g), 205(j), 208, 303 &<br>305 (pgs. 321-335)  | OWOW/14               | X<br>(1)                             |
| 131  | Water Quality Standards-<br>CWA Section 303(c) (pgs.<br>336-369)  | OST/3                 |                                      |
| 133  | Secondary Treatment Regu-<br>lation-CWA Sec. 301(b),<br>304(d), 308 & 501 (pgs.<br>369-373)   | OST/4                 |                                      |

| Part | Title (As of 7/1/94)  | Office/<br>Pages | Obsolete/<br>Outdated/<br>Superseded | Consol-<br>idate/<br>Modify<br>to Sim-<br>plify | Stream-<br>line<br>Report/<br>Record<br>Keeping | Doing<br>Already | Can<br>De-<br>lete<br>by<br>June | Need<br>More<br>Time* |
|------|---|------------------|--------------------------------------|---|---|------------------|----------------------------------|-----------------------|
| 135  | Prior Notice of Citizen Suits:<br>Subpart A-CWA Sec. 505<br>(pgs. 373-375)<br>Subpart B-SDWA Sec. 504<br>(pgs. 375-377) | OWM/2<br>OGWDW/2 |                                      |   |   |                  |                                  |                       |
| 136  | Guidelines Establishing Test Procedures for the Analysis of Pollutants<br>(pgs. 377-655)                                | OST/78           |                                      | X<br>(1)  |   |                  |                                  | X<br>(1)              |
| 140  | Marine Sanitation Device Standard-CWA Sec. 312<br>(pgs. 655-658)  | OWOW/3           | X<br>(1)                             | X<br>(1)  | X<br>(1)  | X                |                                  | X<br>(1)              |
| 141  | National Primary Drinking Water Regulations-SDWA<br>(pgs. 658-794)  | OGWDW/<br>36     | X<br>(1)                             | X<br>(4)  | X<br>(2)  | X                | X<br>(1)                         | X*<br>(4)             |
| 142  | National Primary Drinking Water Regulations Implementation-SDWA (pgs. 794-835)  | OGWDW/<br>41     |                                      | X<br>(1)  |   |                  |                                  | X**<br>(1)            |
| 143  | National Secondary Drinking Water Regulations-SDWA<br>(pgs. 835-839)  | OGWDW/4          |                                      |   |   |                  |                                  |                       |
| 144  | Underground Injection Control Program-SDWA (pgs. 839-895)   | OGWDW/<br>56     | X<br>(1)                             | X<br>(1)  |   | X                | X<br>(1)                         | X<br>(1)              |



| Part | Title (As of 7/1/94)  | Office/<br>Pages | Obsolete/<br>Outdated/<br>Superseded | Consol-<br>idate/<br>Modify<br>to Sim-<br>plify | Stream-<br>line<br>Report/<br>Record<br>Keeping | Doing<br>Already | Can<br>De-<br>lete<br>by<br>June | Need<br>More<br>Time* |
|------|---|------------------|--------------------------------------|---|---|------------------|----------------------------------|-----------------------|
| 145  | State Underground Injection Control Program Requirements-SDWA (pgs. 895-907)          | OGWDW/<br>12     |                                      |   |   |                  |                                  |                       |
| 146  | Underground Injection Control Program: Criteria & Standards-SDWA (pgs. 907-938)       | OGWDW/<br>31     | X<br>(1)                             | X<br>(1)  |   | X                | X<br>(1)                         | X<br>(1)              |
| 147  | State Underground Injection Control Programs-SDWA (pgs. 938-1035)                     | OGWDW/<br>97     |                                      |   |   |                  |                                  |                       |
| 148  | Hazardous Waste Injection Restrictions-SDWA (pgs. 1035-1044)                          | OGWDW/9          |                                      |   |   |                  |                                  |                       |
| 149  | Sole Source Aquifers-SDWA (pgs. 1044-1048)  | OGWDW/4          |                                      | X<br>(1)  |   |                  |                                  | X**<br>(1)            |
|      | <u>SUBCHAPTER H-OCEAN DUMPING</u>   |                  |                                      |   |   |                  |                                  |                       |
| 220  | General-MPRSA (pgs. 151-154)  | OWOW/3           |                                      |   |   |                  |                                  |                       |
| 221  | Applications for Ocean Dumping Permits Under Sec. 102 of the Act-MPRSA (pgs. 154-156) | OWOW/2           |                                      |   |   |                  |                                  |                       |

| Part | Title (As of 7/1/94)  | Office/<br>Pages | Obsolete/<br>Outdated/<br>Superseded | Consol-<br>idate/<br>Modify<br>to Sim-<br>plify | Stream-<br>line<br>Report/<br>Record<br>Keeping | Doing<br>Already | Can<br>De-<br>lete<br>by<br>June | Need<br>More<br>Time* |
|------|---|------------------|--------------------------------------|---|---|------------------|----------------------------------|-----------------------|
| 222  | Action on Ocean Dumping Permit Applications under Sec. 102 of the Act-MPRSA (pgs. 156-162)  | OWOW/6           |                                      |   |   |                  |                                  |                       |
| 223  | Contents of Permits; Revision, Revocation or Limitations of Ocean Dumping Permits Under Sec. 104(d) of the Act-MPRSA (pgs. 163-166) | OWOW/3           |                                      |   |   |                  |                                  |                       |
| 224  | Records & Reports Required of Ocean Dumping Permittees Under Sec. 102 of the Act-MPRSA (pg. 166-167)                                | OWOW/1           |                                      |   |   |                  |                                  |                       |
| 225  | COE Dredged Material Permits-MPRSA (pgs. 167-168)   | OWOW/1           | X<br>(1)                             | X<br>(1)  | X<br>(1)  | X                |                                  | X<br>(1)              |
| 227  | Criteria for the Evaluation of Permit Applications for Ocean Dumping of Materials-MPRSA (pgs. 168-181)                              | OWOW/13          | X<br>(1)                             | X<br>(1)  | X<br>(1)  | X                |                                  | X<br>(1)              |
| 228  | Criteria for the Management of Disposal Sites for Ocean Dumping-MPRSA (pgs. 181-202)  | OWOW/21          | X<br>(1)                             | X<br>(1)  | X<br>(1)  | X                |                                  | X<br>(1)              |

| Part | Title (As of 7/1/94)  | Office/<br>Pages | Obsolete/<br>Outdated/<br>Superseded | Consol-<br>idate/<br>Modify<br>to Sim-<br>plify | Stream-<br>line<br>Report/<br>Record<br>Keeping | Doing<br>Already | Can<br>De-<br>lete<br>by<br>June | Need<br>More<br>Time* |
|------|---|------------------|--------------------------------------|---|---|------------------|----------------------------------|-----------------------|
| 229  | General Permits-MPRSA<br>(pgs. 202-204)   | OWOW/2           |                                      |   |   |                  |                                  |                       |
| 230  | Section 404(b)(1) Guide-<br>lines for Specification of<br>Disposal Sites for Dredged<br>or Fill Material-CWA Sec.<br>404 (pgs. 204-226) | OWOW/22          |                                      |   |   |                  |                                  |                       |
| 231  | Section 404(c) Procedures-<br>CWA Sec. 404 (pgs. 227-<br>231)   | OWOW/4           |                                      |   |   |                  |                                  |                       |
| 232  | 404 Program Definitions;<br>Exempt Activities Not Re-<br>quiring 404 Permits-CWA<br>Sec. 404 (pgs. 232-238)                             | OWOW/6           |                                      |   |   |                  |                                  |                       |
| 233  | 404 State Program Regs-CWA<br>Sec. 404 (Pgs 238-260)  | OWOW/22          |                                      |   |   |                  |                                  |                       |
| 238  | Degradable Plastic Ring<br>Carriers - ??? (pgs. 261-<br>262)  | OWOW/1           |                                      |   |   |                  |                                  |                       |
|      | <u>SUBCHAPTER N-EFFLUENT<br/>GUIDELINES &amp; STANDARDS</u>   |                  |                                      |   |   |                  |                                  |                       |
| 401  | General Provisions-CWA<br>(pgs. 4-8)  | OST/4            |                                      |   |   |                  |                                  |                       |

| Part | Title (As of 7/1/94)  | Office/<br>Pages | Obsolete/<br>Outdated/<br>Superseded | Consol-<br>idate/<br>Modify<br>to Sim-<br>plify | Stream-<br>line<br>Report/<br>Record<br>Keeping | Doing<br>Already | Can<br>De-<br>lete<br>by<br>June | Need<br>More<br>Time* |
|------|---|------------------|--------------------------------------|---|---|------------------|----------------------------------|-----------------------|
| 403  | General Pretreatment Regs<br>for Existing & New Sources<br>of Pollution-CWA (pgs. 8-<br>54)   | OWM/46           | X<br>(1)                             | X<br>(2)  | X<br>(2)  | X                | X<br>(1)                         | X                     |
| 405  | <u>NOTE: THERE IS ONE FACT<br/>SHEET FOR ALL OF<br/>SUBCHAPTER N.</u><br>Dairy Products Processing<br>Point Source Category-CWA<br>(pgs. 54-83) | OST/29           | X                                    |   |   |                  | X                                |                       |
| 406  | Grain Mills Point Source<br>Category-CWA (pgs. 83-103)  | OST/20           | X                                    |   |   |                  | X                                |                       |
| 407  | Canned & Preserved Fruits<br>& Vegetables Processing<br>Point Source Category-CWA<br>(pgs. 103-125)   | OST/22           | X                                    |   |   |                  | X                                |                       |
| 408  | Canned & Preserved Seafood<br>Processing Point Source<br>Category-CWA (pgs. 125-<br>196)  | OST/71           | X                                    |   |   |                  | X                                |                       |
| 409  | Sugar Processing Point<br>Source Category-CWA (pgs.<br>196-210).  | OST/14           | X                                    |   |   |                  | X                                |                       |

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| 410  | Textile Mills Point Source<br>Category-CWA (pgs. 210-<br>227)                          | OST/17           |                                      |   |   |                  |                                  |                       |
| 411  | Cement Manufacturing Point<br>Source Category-CWA (pgs.<br>228-234)                    | OST/6            | X                                    |   |   |                  | X                                |                       |
| 412  | Feedlots Point Source<br>Category-CWA (pgs. 234-<br>239)                               | OST/5            | X                                    |   |   |                  | X                                |                       |
| 413  | Electroplating Point<br>Source Category-CWA (pgs.<br>239-254)                          | OST/15           |                                      |   |   |                  |                                  |                       |
| 414  | Organic Chemicals, Plas-<br>tics & Synthetic Fibers-<br>CWA (pgs. 254-277)             | OST/23           |                                      |   |   |                  |                                  |                       |
| 415  | Inorganic Chemicals Manu-<br>facturing Point Source<br>Category-CWA (pgs. 277-<br>335) | OST/58           |                                      |   |   |                  |                                  |                       |
| 417  | Soap & Detergent Manufac-<br>turing Point Source Cate-<br>gory-CWA (pgs. 335-383)      | OST/48           | X                                    |   |   |                  | X                                |                       |

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| 418  | Fertilizer Manufacturing Point Source Category-CWA (pgs. 383-401)        | OST/18           |                                      |   |   |                  |                                  |                       |
| 419  | Petroleum Refining Point Source Category-CWA (pgs. 401-436)              | OST/35           |                                      |   |   |                  |                                  |                       |
| 420  | Iron & Steel Manufacturing Point Source Category-CWA (pgs. 437-499)      | OST/62           |                                      |   |   |                  |                                  |                       |
| 421  | Nonferrous Metals Manufacturing Point Source Category-CWA (pgs. 499-685) | OST/86           |                                      |   |   |                  |                                  |                       |
| 422  | Phosphate Manufacturing Point Source Category-CWA (pgs. 685-694)         | OST/9            |                                      |   |   |                  |                                  |                       |
| 423  | Steam Electric Power Generating Point Source Category-CWA (pgs. 694-703) | OST/9            | X                                    |   |   |                  | X                                |                       |
| 424  | Ferroalloy Manufacturing Point Source Category-CWA (pgs. 703-716)        | OST/13           | X                                    |   |   |                  | X                                |                       |
| 425  | Leather Tanning & Finishing Point Source Category-CWA (pgs. 5-26)        | OST/21           |                                      |   |   |                  |                                  |                       |

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| 426  | Glass Manufacturing Point<br>Source Category-CWA (pgs.<br>26-53)                     | OST/27           | X                                    |   |   |                  | X                                |                       |
| 427  | Asbestos Manufacturing<br>Point Source Category-CWA<br>(pgs. 53-72)                  | OST/19           | X                                    |   |   |                  | X                                |                       |
| 428  | Rubber Manufacturing Point<br>Source Category-CWA (pgs.<br>72-100)                   | OST/28           | X                                    |   |   |                  | X                                |                       |
| 429  | Timber Products Processing<br>Point Source Category-CWA<br>(pgs. 100-117)            | OST/17           |                                      |   |   |                  |                                  |                       |
| 430  | Pulp, Paper & Paperboard<br>Point Source Category-CWA<br>(pgs. 117-199)              | OST/82           |                                      |   |   |                  |                                  |                       |
| 431  | The Builders' Paper &<br>Board Mills Point Source<br>Category-CWA (pgs. 199-<br>202) | OST/3            |                                      |   |   |                  |                                  |                       |
| 432  | Meat Products Point Source<br>Category-CWA (pgs. 202-<br>232)                        | OST/30           | X                                    |   |   |                  | X                                |                       |
| 433  | Metal Finishing Point<br>Source Category-CWA (pgs.<br>232-237)                       | OST/5            |                                      |   |   |                  |                                  |                       |

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|------|---|------------------|--------------------------------------|---|---|------------------|----------------------------------|-----------------------|
| 434  | Coal Mining Point Source<br>Category-CWA (pgs. 237-<br>248)                                   | OST/11           |                                      |   |   |                  |                                  |                       |
| 435  | Oil & Gas Extraction Point<br>Source Category-CWA (pgs.<br>249-265)                           | OST/16           |                                      |   |   |                  |                                  |                       |
| 436  | Mineral Mining & Process-<br>ing Point Source Category-<br>CWA (pgs. 265-288)                 | OST/23           | X                                    |   |   |                  | X                                |                       |
| 439  | Pharmaceutical Manufactur-<br>ing Point Source Category-<br>CWA (pgs. 289-307)                | OST/18           |                                      |   |   |                  |                                  |                       |
| 440  | Ore Mining & Dressing<br>Point Source Category-CWA<br>(pgs. 307-332)                          | OST/25           |                                      |   |   |                  |                                  |                       |
| 443  | Paving & Roofing Materials<br>(Tars & Asphalt) Point<br>Source Category-CWA (pgs.<br>332-339) | OST/7            | X                                    |   |   |                  | X                                |                       |
| 446  | Paint Formulating Point<br>Source Category-CWA (pgs.<br>339-341)                              | OST/2            | X                                    |   |   |                  | X                                |                       |
| 447  | Ink Formulating Point<br>Source Category-CWA (pgs.<br>341-343)                                | OST/2            | X                                    |   |   |                  | X                                |                       |



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| 454  | Gum & Wood Chemicals Manu-<br>facturing Point Source<br>Category-CWA (pgs. 343-<br>348) | OST/5            | X                                    |   |   |                  | X                                |                       |
| 455  | Pesticide Chemicals-CWA<br>(pgs. 348-366)   | OST/18           | X                                    |   |   |                  | X                                |                       |
| 457  | Explosives Manufacturing<br>Point Source Category-CWA<br>(pgs. 366-367)                 | OST/1            | X                                    |   |   |                  | X                                |                       |
| 458  | Carbon Black Manufacturing<br>Point Source Category-CWA<br>(pgs. 368-373)               | OST/5            | X                                    |   |   |                  | X                                |                       |
| 459  | Photographic Point Source<br>Category-CWA (pgs. 373-<br>374)                            | OST/1            | X                                    |   |   |                  | X                                |                       |
| 460  | Hospital Point Source<br>Category-CWA (pgs. 374-<br>375)                                | OST/1            | X                                    |   |   |                  | X                                |                       |
| 461  | Battery Manufacturing<br>Point Source Category-CWA<br>(pgs. 375-406)                    | OST/31           |                                      |   |   |                  |                                  |                       |
| 463  | Plastics Molding & Forming<br>Point Source Category-CWA<br>(pgs. 407-413)               | OST/6            |                                      |   |   |                  |                                  |                       |

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| 464  | Metal Molding & Casting<br>Point Source Category-CWA<br>(pgs. 413-459)                      | OST/46           |                                      |   |   |                  |                                  |                       |
| 465  | Coil Coating Point Source<br>Category-CWA (pgs. 459-<br>476)                                | OST/17           |                                      |   |   |                  |                                  |                       |
| 466  | Porcelain Enameling Point<br>Source Category-CWA (pgs.<br>476-483)                          | OST/7            |                                      |   |   |                  |                                  |                       |
| 467  | Aluminum Forming Point<br>Source Category-CWA (pgs.<br>484-525)                             | OST/41           |                                      |   |   |                  |                                  |                       |
| 468  | Copper Forming Point<br>Source Category-CWA (pgs.<br>525-543)                               | OST/18           |                                      |   |   |                  |                                  |                       |
| 469  | Electrical & Electronic<br>Components Point Source<br>Category-CWA (pgs. 543-<br>550)       | OST/7            |                                      |   |   |                  |                                  |                       |
| 471  | Nonferrous Metals Forming<br>& Metal Powders Point<br>Source Category-CWA (pgs.<br>550-670) | OST/120          |                                      |   |   |                  |                                  |                       |

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| & Casting<br>Category-CWA<br>)           | OST/46           |                                      |   |   |                  |                                  |                       |
| Point Source<br>(pgs. 459-               | OST/17           |                                      |   |   |                  |                                  |                       |
| meling Point<br>ry-CWA (pgs.             | OST/7            |                                      |   |   |                  |                                  |                       |
| ing Point<br>ry-CWA (pgs.                | OST/41           |                                      |   |   |                  |                                  |                       |
| g Point<br>ry-CWA (pgs.                  | OST/18           |                                      |   |   |                  |                                  |                       |
| Electronic<br>Int Source<br>(pgs. 543-   | OST/7            |                                      |   |   |                  |                                  |                       |
| cals Forming<br>rs Point<br>ry-CWA (pgs. | OST/120          |                                      |   |   |                  |                                  |                       |

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| 501  | <u>SUBCHAPTER O-SEWAGE SLUDGE</u><br>State Sludge Management<br>Program Regs-CWA Sec.<br>101(e), 405(f), 501(a), &<br>518(e) (pgs. 671-691) | OWM/20           |                                      | X<br>(1)  |   | X                |                                  | X<br>(1)              |
| 503  | Standards for the Use or<br>Disposal of Sewage Sludge-<br>CWA Sec. 405(d)&(e) (pgs.<br>691-722)   | OST/31           |                                      | X<br>(3)  | X<br>(1)  | X                |                                  | X<br>(3)              |

**SECTOR R**

**SHIP AND BOAT BUILDING OR  
REPAIRING YARDS**

**PERMIT**

exempted below. The examination must be made at least once in each designated period [described in paragraph (I) below] during daylight hours unless there is insufficient rainfall or snow melt to produce a runoff event.

(1) Examinations shall be conducted in each of the following periods for the purposes of visually inspecting storm water quality associated with storm water runoff or snowmelt: January through March; April through June; July through September and October through December.

(2) Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging. The examinations shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. At such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where practicable, the same individual should carry out the collection and examination of discharges for entire permit term.

(3) Visual examination reports must be maintained onsite in the pollution prevention plan. The report shall include the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

(4) When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially

identical effluents. In addition, for each outfall that the permittee believes is representative, estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan.

(5) When a discharger is unable to collect samples over the course of the visual examination period as a result of adverse climatic conditions, the discharger must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examination. Adverse weather conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (Such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

(6) When a discharger is unable to conduct visual storm water examinations at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirement as long as the facility remains inactive and unstaffed. The facility must maintain a certification with the pollution prevention plan stating that the site is inactive and unstaffed so that performing visual examinations during a qualifying event is not feasible.

#### *R. Storm Water Discharges Associated With Industrial Activity From Ship and Boat Building or Repairing Yards*

##### **1. Discharges Covered Under This Section**

The requirements listed under this section apply to storm water discharges from facilities engaged in ship building and repairing and boat building and repairing (Standard Industrial Classification (SIC) code 373).

When an industrial facility, described by the above coverage provisions of this section, has industrial activities being conducted onsite that meet the description(s) of industrial activities in another section(s), that industrial facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to all applicable requirements in this section. The monitoring and pollution prevention plan terms end conditions of

According to the U.S. Coast Guard, a vessel 65 feet or greater in length is referred to as a ship, and a vessel smaller than 65 feet is a boat.

this multi-sector permit are additive for industrial activities being conducted at the same industrial facility (co-located industrial activities). The operator of the facility shall determine which other monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

##### **2. Special Conditions**

*a. Prohibition of Non-storm Water Discharges.* In addition to the prohibitions listed in Part III.A of the permit, this section specifically prohibits non-storm water discharges of wastewaters, such as bilge and ballast water, pressure wash water, sanitary wastes, and cooling water originating from vessels, are not authorized by this permit. The operators of such discharges must obtain coverage under a separate NPDES permit if discharged to waters of the United States or through a municipal separate storm sewer system.

##### **3. Storm Water Pollution Prevention Plan Requirements**

*a. Contents of Plan.* The plan shall include, at a minimum, the following items.

(1) *Pollution Prevention Team.* Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

(2) *Description of Potential Pollutant Sources.* Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum

(a) *Drainage.*

(i) A site map indicating the location of the outfalls and the types of discharges contained in the drainage areas of the outfalls, an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface

water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part XI.R.3.a.(2)(c) (Spills and Leaks) of this section have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling, engine maintenance and repair, vessel maintenance and repair, pressure washing, painting, sanding, blasting, welding, metal fabrication, loading/unloading areas, locations used for the treatment, storage or disposal of wastes; liquid storage tanks, liquid storage areas (i.e., paint, solvents, resins), and material storage areas (i.e., blasting media, aluminum, steel, scrap iron).

(ii) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of a chemical; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water, and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

**(b) Inventory of Exposed Materials-** An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of 3 years prior to the date of the submission of a Notice of Intent (NOI) to be covered under this permit and the present: method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of 3 years prior to the date of the submission of a Notice of Intent (NOI) to be covered under this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

**(c) Spills and Leaks--**A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of 3 years prior to the date of the submission of a Notice of Intent

(NOI) to be covered under this permit. Such list shall be updated as appropriate during the term of the permit.

**(d) Sampling Data--**A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

**(e) Risk Identification and Summary of Potential Pollutant Sources--**A narrative description of the potential pollutant sources from the following activities if applicable: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities (i.e., welding, metal fabricating); significant dust or particulate generating processes (i.e., abrasive blasting, sanding, painting); loading/unloading areas; and onsite waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

**(3) Measures and Controls.** Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

**(a) Good Housekeeping--**and housekeeping requires the maintenance of areas which may contribute pollutants to storm water discharges in a clean, orderly manner. The following areas must be specifically addressed, when applicable at a facility:

**(i) Pressure Washing Area--**When pressure washing is used to remove marine growth from vessels, the discharge water must be permitted as a process wastewater by an NPDES permit.

**(ii) Blasting and Painting Areas--**The facility must consider containing all blasting and painting activities to prevent abrasives, paint chips, and overspray from reaching the receiving water or the storm sewer system. The plan must describe measures taken at the facility to prevent or minimize the discharge of spent abrasive, paint chips, and paint into the receiving waterbody and storm sewer system. The facility may consider hanging plastic barriers or tarpaulins during blasting or painting

operations to contain debris. When required, a schedule for cleaning storm systems to remove deposits of abrasive blasting debris and paint chips should be addressed within the plan. The plan should include any standard operating practices with regard to blasting and painting activities. Practices may include the prohibition of performing uncontained blasting and painting over open water or blasting and painting during windy conditions which can render containment ineffective.

**(iii) Material Storage Areas--**All stored and containerized materials (fuels, paints, solvents, waste oil, antifreeze, batteries) must be stored in a protected, secure location away from drains and plainly labeled. The plan must describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The facility must specify which materials are stored indoors and consider containment or enclosure for materials that are stored outdoors. Above ground storage tanks, drums, and barrels permanently stored outside must be delineated on the site map with a description of the containment measures in place to prevent leaks or spills. The facility must consider implementing an inventory control plan to prevent excessive purchasing, storage, and handling of potential hazardous materials. Those facilities where abrasive blasting is performed must specifically include a discussion on the storage and disposal of spent abrasive materials generated at the facility.

**(iv) Engine Maintenance and Repair Areas--**The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for engine maintenance and repair. The facility must consider performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting wet clean up practice where the practice would result in the exposure of pollutants to storm water using dry cleanup methods, and/or collecting the storm water runoff from the maintenance area and providing treatment or recycling.

**(v) Material Handling Areas--**The plan must describe measures that prevent or minimize contamination of the storm water runoff from material handling operations and areas (fueling, paint & solvent mixing, disposal of process wastewater streams from vessels). The facility must consider covering fueling areas using spill and overflow protection mixing paints and

solvents in a designated area, preferably indoors or under a shed; and minimizing runoff of storm water to material handling areas. Where applicable, the plan must address the replacement or repair of leaking connections, valves, pipes, hoses, and soil chutes carrying wastewater from vessels.

(vi) **Drydock Activities**—The plan must address the routine maintenance and cleaning of the drydock to minimize the potential for pollutants in the storm water runoff. The plan must describe the procedures for cleaning the accessible areas of the drydock prior to flooding and final cleanup after the vessel is removed and the dock is raised. Cleanup procedures for oil, grease, or fuel spills occurring on the drydock must also be included within the plan. The facility must consider items such as sweeping rather than hosing off debris and spent blasting material from the accessible areas of the drydock prior to flooding and having absorbent materials and oil containment booms readily available to contain and cleanup any spills.

(vii) **General Yard Area**—The plan must include a schedule for routine yard maintenance and cleanup. Scrap metal, wood, plastic, miscellaneous trash, paper, glass, industrial scrap, insulation, welding rods, packaging, etc., must be routinely removed from the general yard area. The facility must consider such measures as providing covered trash receptacles in each yard, on each pier, and on board each vessel being repaired.

(b) **Preventive Maintenance**—A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

(c) **Spill Prevention and Response Procedures**—Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan

should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

(d) **Inspections—Qualified** facility personnel shall be identified to inspect designated equipment and areas of the facility on a monthly basis. The following areas shall be included in all inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

(e) **Employee Training**—Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. The pollution prevention plan shall identify how often training will take place, but in all cases training must be held at least annually (once per calendar year). Employee training must, at a minimum, address the following areas when applicable to a facility used oil management spent solvent management proper disposal of spent abrasives; proper disposal of vessel wastewaters, spill prevention and control; fueling procedures; general good housekeeping practices; proper painting and blasting procedures; and used battery management. Employees, independent contractors, and customers must be informed about BMPs and be required to perform in accordance with these practices. The facility should consider posting easy to read descriptions or graphic depictions of BMPs and emergency phone numbers in the work areas.

(f) **Record keeping and Internal Reporting Procedures**—A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

(g) **Non-storm Water Discharges.**

(i) The plan shall include a certification that the discharge has been tested or evaluated for the presence of

non-storm water discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and for evaluation, and the onsite drainage points that were directly observed during the test. Certifications shall be signed in accordance with Part VII.G. of this permit. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution prevention plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at the site. A discharger that is unable to provide the certification required by this paragraph must notify the Director in accordance with paragraph XI.R.3.a.(3)(g)(iii) (below).

(ii) **Except for flows from fire fighting activities, sources of non-storm water listed in Part III.A.2 (Prohibition of Non-storm Water Discharges)** of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

(iii) **Failure to Certify**—Any facility that is unable to provide the certification required (testing for non-storm water discharges), must notify the Director by [Insert date 270 days after permit issuance] or, for facilities which begin to discharge storm water associated with industrial activity after [Insert date 270 days after permit issuance], 180 days after submitting an NOI to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of non-storm water discharges; the results of such test or other relevant observations potential sources of non-storm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible. Non-storm water discharges to waters of the United States which are not authorized by an NPDES permit are unlawful, and must be terminated.

(h) **Sediment and Erosion Control**—The plan shall identify areas which, due



to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

**(i) Management of Runoff—The plan shall contain a narrative consideration** of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide **that measures that the permittee** determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity [see paragraph XLR.3.a.(2) of this section (Description of Potential Pollutant Sources)] shall be considered when determining reasonable and appropriate measures. Appropriate measures or other equivalent measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), **snow management activities, infiltration devices, and wet detention/retention devices.**

**(4) Comprehensive Site Compliance Evaluation.** Qualified personnel shall **conduct** site compliance evaluations at appropriate intervals specified in the plan, but in no case less than once a year. Such evaluations shall provide:

**(a)** Areas contributing to a storm water discharge associated with industrial activity including, but not limited to, pressure washing area, **blasting and sanding areas, painting areas, material storage areas, engine maintenance and repair areas, material handling areas, and drydock area, shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system.** Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

**(b)** Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with paragraph XLR.3.a.(2) of this section (Description of Potential Pollutant Sources) and pollution prevention measures and controls identified in the plan in accordance with paragraph XI. R.3.a.(3) of this section (Measures and Controls) shall be revised as appropriate within 2 weeks of such evaluation and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the evaluation.

**(c)** A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph XLR.3.a.(4)(b) [above] of the permit shall be made and retained as part of the storm water pollution prevention plan for at least 3 years from the date of the evaluation. The report shall identify any incidents of noncompliance. When a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part VII.G. (Signatory Requirements) of this permit.

**(d)** Where compliance evaluation schedules overlap with inspections required under 3a.(3)(d), the compliance evaluation may be conducted in place of one such inspection.

#### 4. Numeric Effluent Limitations

There are no additional numeric effluent limitations beyond those described in Part V.B. of this permit.

#### 5. Monitoring and Reporting Requirements

**(a) Quarterly Visual Examination of Storm Water Quality.** Facilities shall perform and document a visual examination of a representative storm water discharge associated with industrial activity from each outfall except discharges exempted below. The examination must be made at least once in each designated period [described in (1) below] during daylight hours unless **there is insufficient rainfall or snow melt to produce a runoff event.**

(1) Examinations shall be conducted in each of the following periods for the purposes of visually inspecting storm water quality associated with storm water runoff or snow melt: **January through March; April through June; July**

through September; October through December.

(2) Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour when the runoff or snow melt begins discharging. The examinations shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term.

(3) Visual examination reports must be maintained onsite in the pollution prevention plan. The report shall include the examination date and time, **examination personnel, the nature of the discharge (i.e., runoff or snow melt),** visual quality of the storm water discharge (including observations of color, odor, clarity, **floating** solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

(4) When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), **medium** (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan.

(5) When a discharger is unable to collect samples over the course of the monitoring period as a result of adverse

climatic conditions, the discharger must document the reason for not performing the visual examination. Adverse weather conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

(6) When a discharger is unable to conduct visual storm water examinations at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirement as long as the facility remains inactive and unstaffed. The facility must maintain a certification with the pollution prevention plan stating that the site is inactive and unstaffed so that performing visual examinations during a qualifying event is not feasible.

**S. Storm Water Discharges Associated With Industrial Activity From Vehicle Maintenance & as, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities**

**1. Discharges Covered Under This Section**

The requirements listed under this section shall apply to storm water discharges from establishments and for facilities including airports, air terminals, air carriers, flying fields, and establishments engaged in servicing or maintaining airports and/or aircraft (generally classified under Standard Industrial Classification (SIC) code 45) which have vehicle maintenance shops, material handling facilities, equipment cleaning operations or airport and/or aircraft deicing/anti-icing operations. For the purpose of this permit, the term "deicing" is defined as the process to remove frost, snow, or ice and "anti-icing" is the process which prevents the accumulation of frost, snow, or ice.

(a) *Coverage*. Only those portions of the facility, or establishment that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or deicing/anti-icing operations are addressed under this section.

When an industrial facility, described by the above coverage provisions of this section, has industrial activities being conducted onsite that meet the description(s) of industrial activities in another section(s), that industrial facility shall comply with any and all applicable monitoring and pollution

prevention plan requirements of the other section(s) in addition to all "applicable requirements in this section. The monitoring and pollution prevention plan terms and conditions of this multi-sector permit are additive for industrial activities being conducted at the same industrial facility (co-located industrial activities). The operator of the facility shall determine which other monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

**2. Special Conditions**

(a) *Prohibition of Non-storm Water Discharges*. In addition to those discharges prohibited under Part IIIA.2, non-storm water discharges including aircraft, ground vehicle, runway and equipment washwaters, and dry weather discharges of deicing/anti-icing chemicals are not authorized by this permit. Dry weather discharges are those discharges generated by processes other than those included in the definition of storm water. The definition of storm water includes storm water runoff, snow melt runoff, and surface runoff and drainage. All other discharges constitute non-storm water discharges. Operators of non-storm water discharges must obtain coverage under a separate National Pollutant Discharge Elimination System (NPDES) permit if discharged to waters of the United States or through a municipal

(b) *Releases of Reportable Quantities of Hazardous Substances and Oil*. Each individual permittee is required to report spills equal to or exceeding the reportable quantity levels specified at 40 (TR 110,117, and 302 as described at Part VLB.2. If an airport authority is the sole permittee, then the sum total of all spills at the airport must be assessed against the RQ. If the airport authority is a co-permittee with other deicing/anti-icing operators at the airport, such as numerous different airlines, the assessed amount must be the summation of spills by each co-permittee. If separate, distinct individual permittees exist at the airport, then the amount spilled by each separate permittee must be the assessed amount for the RQ determination.

**3. Storm Water Pollution Prevention Plan Requirements**

Storm water pollution prevention plans developed for areas of the facility occupied by tenants of the airport shall be integrated with the plan for the entire airport. For the purposes of today's permit, tenants of the airport facility include airline companies, fixed base operators and other parties which have

contracts with the airport authority to conduct business operations on airport property which result in storm water discharges associated with industrial activity as described in paragraph 1 of this section. Plans should be developed in accordance with Part IV, Storm Water Pollution Prevention Plans).

(a) *Contents of Plan*. Each plan shall include, at a minimum, the following items

(1) *Pollution Prevention Team*. Each plan shall identify a specific individual or individuals as member(s) of a storm water Pollution Prevention Team who are responsible for developing the storm water pollution prevention plan and assisting the facility management in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

(2) *Description of Potential Pollutant Sources*. Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

(a) *Drainage*.

(i) A site map indicating an outline of the drainage area of each storm water outfall within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under paragraph XLS.3.a.(2)(c) (Spills and Leaks) of this section have occurred, and the locations of the following activities where such activities are exposed to precipitation: aircraft and runway deicing/anti-icing operations; fueling stations; aircraft, ground vehicle and equipment maintenance and/or cleaning areas; storage areas for aircraft, ground vehicles and equipment awaiting maintenance; loading/unloading area locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls.

(ii) For each area of the facility that generates storm water discharges

**SECTOR R**

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**FACT SHEET**

results upon which the facility may act quickly. The frequency of this visual examination will also allow for timely adjustments to be made to the plan. If BMPs are performing ineffectively, corrective action must be implemented. A set of tracking or follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. The visual examination is intended to be performed by members of the pollution prevention team. This hands-on examination will enhance the staff's understanding of the storm water problems on that site and the effects of the management practices that are included in the plan.

#### R. Storm Water Discharges Associated With Industrial Activity From Ship and Boat Building or Repairing Yards

##### 1. Discharges Covered Under This Section

The storm water application regulations define storm water discharges associated with industrial activity at 40 CFR 122.26(b)(14). Category (ii) of this definition includes facilities commonly identified by Standard Industrial Classification (SIC) codes 24 (except 2434), 26 (except 265 end 267), 28 (except 283 and 285), 29, 31, 32 (except 323), 33, 34, 41, and 373. The conditions in this section apply to those facilities primarily engaged in Ship and boat building and repairing

services (SIC code 373). The following is a list of the types of facilities engaged in ship and boat building and repairing services:

**a. Ship Building and Repairing (SIC code 3731)**—These are establishments primarily engaged in building and repairing ships, barges, and lighters, whether self-propelled or towed by other crafts. The industry also includes the conversion and alteration of ships and the manufacture of off-shore oil and gas well drilling and production platforms (whether or not self-propelled). Examples include building and repairing of barges, cargo vessels, combat ships, crew boats, dredges, ferryboats, fishing vessels, lighthouse tenders, naval ships, offshore supply boats, passenger-cargo vessels, patrol boats, sailing vessels, towboats, trawlers, and tugboats.

**b. Boat Building and Repairing (SIC code 3732)**—These facilities are primarily engaged in building and repairing boats. Examples include building and repairing of fiberglass boats, motor-boats, sailboats, rowboats, canoes, dinghies, dories, small fishing boats, houseboats, kayaks, lifeboats, pontoons, and skiffs.

When an industrial facility, described by the above coverage provisions of this section, has industrial activities being conducted onsite that meet the description(s) of industrial activities in another section(s), that industrial

facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to all applicable requirements in this section. The monitoring and pollution prevention plan terms and conditions of this multi-sector permit are additive for industrial activities being conducted at the same industrial facility (co-located industrial activities). The operator of the facility shall determine which other monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

##### 2. Pollutants Found in Storm Water Discharges

Special conditions have been developed for boat and ship building and repairing operations. Common activities at ship and boat yards include: vessel and equipment cleaning fluid changes, mechanical repairs, parts cleaning, sanding, blasting, welding, refinishing, painting, fueling, and storage of the related materials and waste materials, such as oil, fuel, batteries, or oil filters. All of these areas are potential sources of pollutants to storm water discharges. Table R-1 lists pollutants associated with activities that commonly take place at Ship Building and Repairing Facilities (SIC 3731) and Boat Building and Repairing Facilities (SIC 3732).

TABLE R-1.—COMMON POLLUTANT SOURCES AT SHIP AND BOAT BUILDING AND REPAIRING FACILITIES

| Activity  | Pollutant source  | Pollutant   |
|---|---|---|
| Pressure Washing  | Wash water  | Paint solids, heavy metals, suspended solids.   |
| Surface Preparation, Paint Removal, Sanding                                       | Sanding; mechanical grinding; abrasive blasting; paint stripping.   | Spent abrasives, paint solids, heavy metals, solvents, dust.                          |
| Painting  | Paint and paint thinner spills; spray painting; paint stripping; sanding; paint cleanup.  | Paint solids, spent solvents, heavy metals, dust.                                     |
| Engine Maintenance and Repairs  | Parts cleaning; waste disposal of greasy rags, used fluids, and batteries; use of cleaners and degreasers; fluid spills; fluid replacement. | Spent solvents, oil, heavy metals, ethylene glycol, acid/alkaline wastes, detergents. |
| Material Handling: Transfer Storage Disposal                                      | Fueling: spills; leaks; and hosing area   | Fuel, oil, heavy metals.  |
|   | Liquid Storage in Above Ground Storage: spills and overfills; external corrosion; failure of piping systems.                                | Fuel, oil, heavy metals, material being stored.                                       |
|   | Waste Material Storage and Disposal: paint solids; solvents; trash; spent abrasives, petroleum products.                                    | Paint solids, heavy metals, spent solvents, oil.                                      |
| Shipboard Processes improperly discharged to storm sewer or into receiving water. | Process and cooling water; sanitary waste; bilge and ballast water.   | Biochemical oxygen demand (BOD), bacteria, suspended solids, oil, fuel.               |

Sources: Executive Office of the President, Office of Management and Budget, 1987. Standard Industrial Classification Manual 1987. National Technical Information Service Order no. PB 87-100012.

NPDES Storm Water Group Applications—Part 1 and Part 2. Received by EPA March 18, 1991 through December 31, 1992.

EPA, Office of Research and Development. October 1991. "Guides to Pollution Prevention the Automotive Refinishing Industry." EPA/625/7-91/016.

EPA, Office of Research and Development. October 1991. "Guides to Pollution Prevention the Automotive Repair Industry." EPA/625/7-91/016.

EPA, Office of Research and Development. May 1992. "Facility Pollution Prevention Guide." EPA/600/R-92/088.

EPA, Office of Water. September 1992. "Storm Water Management for Industrial Activities—Developing Pollution Prevention Plans and Best Management Practices." EPA 832-R-92-006.

EPA, Office of Water and Hazardous Materials. December 1979. "Draft Development Document for Proposed Effluent Limitations Guidelines and Standards for the Shipbuilding and Repair Industry." EPA/440/1-79/076-b.

University of South Alabama, College of Engineering, September 1992. "Best Management Practices for the Shipbuilding and Repair Industry and for Bridge Maintenance Activities." College of Engineering Report No. 92-2.

Based on the similarities of the facilities included in this sector in terms of industrial activities and significant materials, EPA believes it is appropriate to discuss the potential pollutants at ship and boat building and repairing

facilities as a whole and not subdivide this sector. Therefore, Table R-2 lists data for selected parameters from facilities in the ship and boat building and repairing sector. These data include the eight pollutants that all facilities

Were required to monitor for under Form 2F, as well as the pollutants that EPA determined may merit further monitoring.

TABLE R-2.—STATISTICS FOR SELECTED POLLUTANTS REPORTED BY SHIP AND BOAT BUILDING OR REPAIRING YARDS SUBMITTING PART II SAMPLING DATA<sup>i</sup> (mg/L)

| Pollutant Sample Type      | No. of Facilities |                    | No. of Samples |      | Mean |      | Minimum |      | Maximum |       | Median |      | 95th Percentile |       | 99th Percentile |      |
|----------------------------|-------------------|--------------------|----------------|------|------|------|---------|------|---------|-------|--------|------|-----------------|-------|-----------------|------|
|                            | Grab              | Comp <sup>ii</sup> | Grab           | Comp | Grab | Comp | Grab    | Comp | Grab    | Comp  | Grab   | Comp | Grab            | Comp  | Grab            | Comp |
| BOD <sub>5</sub>           | 29                | 28                 | 51             | 48   | 4.4  | 6.3  | 0.0     | 0.0  | 23.0    | 138.0 | 2.3    | 0.8  | 17.1            | 25.5  | 32.6            | 67.  |
| COD                        | 29                | 28                 | 51             | 49   | 73.2 | 70.0 | 0.0     | 0.0  | 450.0   | 810.0 | 53.0   | 33.0 | 259.1           | 264.3 | 503.9           | 579. |
| Nitrate + Nitrite Nitrogen | 29                | 28                 | 51             | 49   | 0.79 | 0.82 | 0.00    | 0.00 | 6.00    | 5.00  | 0.72   | 0.71 | 2.36            | 2.35  | 4.28            | 4.   |
| Total Kjeldahl Nitrogen    | 29                | 28                 | 51             | 49   | 1.19 | 2.20 | 0.00    | 0.00 | 3.40    | 48.00 | 1.00   | 0.97 | 2.57            | 4.69  | 3.73            | 8.   |
| Oil & Grease               | 29                | N/A                | 52             | N/A  | 1.0  | N/A  | 0.0     | N/A  | 14.0    | N/A   | 0.0    | N/A  | 5.1             | N/A   | 15.9            | N/A  |
| pH                         | 23                | N/A                | 43             | N/A  | N/A  | N/A  | 4.7     | N/A  | 8.7     | N/A   | 7.3    | N/A  | 8.8             | N/A   | 9.6             | N/A  |
| Total Phosphorus           | 29                | 28                 | 51             | 48   | 0.21 | 0.86 | 0.00    | 0.00 | 2.20    | 32.00 | 0.00   | 0.06 | 0.94            | 1.75  | 1.96            | 4.   |
| Total Suspended Solids     | 29                | 27                 | 51             | 48   | 92   | 45   | 0       | 0    | 1200    | 300   | 17     | 10   | 525             | 366   | 2294            | 1537 |

<sup>i</sup> Applications that did not report the units of measurement for the reported values of pollutants were not included in these statistics. Values reported as non-detect or below detection limit were assumed to be 0.

<sup>ii</sup> Composite samples.

### 3. Options for Controlling Pollutants

The measures commonly implemented to reduce pollutants in storm water discharges from boat and ship building and repairing facilities are generally uncomplicated and simple to implement. Table R-3 identifies Best Management Practices (BMPs) associated with various activities that routinely occur at boat and ship building and repair facilities.

TABLE R-3.—COMMON MANAGEMENT PRACTICES FOR STORM WATER POLLUTION PREVENTION AT SHIP AND BOAT BUILDING AND REPAIRING FACILITIES

| Activity   | BMPs  |
|--|---|
| Pressure washing                                 | <p>Collect discharge water and remove all visible solids before discharging to a sewer system, where permitted by an individual NPDES permit, to a drainage system, or receiving water. Perform pressure washing only in designated areas where wash water containment can be effectively achieved.</p> <p>Use no detergents or additives in the pressure wash water.</p> <p>Direct deck drainage to a collection system sump for settling and/or additional treatment.</p> <p>Implement diagonal trenches or berms and sumps to contain and collect wash water at marinas and railways.</p> <p>Use solid decking, gutters, and sumps at lift platforms to contain and collect wash water for possible reuse.</p>   |
| Surface preparation, sanding, and paint removal. | <p>Enclose, cover, or contain blasting and sanding activities to the maximum extent practical to prevent abrasives, dust, and paint chips from reaching storm sewers or receiving water.</p> <p>Where feasible, cover drains, trenches, and drainage channels to prevent entry of blasting debris to the system.</p> <p>Prohibit uncontained blasting or sanding activities over open water.</p> <p>Prohibit blasting or sanding activities during windy conditions which render containment ineffective.</p> <p>Inspect and clean sediment traps to ensure the interception and retention of solids prior to entering the drainage system.</p> <p>Sweep accessible areas of the drydock to remove debris and spent sandblasting material prior to flooding.</p>  |
| Painting   | <p>Collect spent abrasives routinely and store under a cover to await proper disposal.</p> <p>Enclose, cover, or contain painting activities to the maximum extent practical to prevent overspray from reaching the receiving water.</p> <p>Prohibit uncontained spray painting activities over open water.</p> <p>Prohibit spray painting activities during windy conditions which render containment ineffective.</p> <p>Mix paints and solvents in designated areas away from drains, ditches, piers, and surface waters, preferably indoors or under a shed.</p> <p>Have absorbent and other cleanup items readily available for immediate cleanup of spills.</p> <p>Allow empty paint cans to dry before disposal.</p> <p>Keep paint and paint thinner away from traffic areas to avoid spills.</p> <p>Recycle paint, paint thinner, and solvents.</p> <p>Train employees on proper painting and spraying techniques, and use effective spray equipment that delivers more paint to the target and less overspray.</p> |
| Drydock maintenance                              | <p>Clean and maintain drydock on a regular basis to minimize the potential for pollutants in storm water runoff.</p> <p>Sweep accessible areas of the drydock to remove debris and spent sandblasting material prior to flooding.</p>   |

TABLE R-3.—COMMON MANAGEMENT PRACTICES FOR STORM WATER POLLUTION PREVENTION AT SHIP AND BOAT BUILDING AND REPAIRING FACILITIES—Continued

| Activity                                  | BMPs  |
|---|---|
|   | <p>If hosing must be used as a removal method, collect wash water to remove solids and potential metals.</p> <p>Clean the remaining areas of the dock after a vessel has been removed and the dock raised.</p> <p>Remove and properly dispose of floatable and other low-density waste (wood, plastic, tires, etc.).</p>  |
| Drydock activities .....                  | <p>Use plastic barriers beneath the hull, between the hull and drydock walls for containment.</p> <p>Use plastic barriers hung from the flying bridge of the drydock, from the bow or stern of the vessel, or from temporary structures for containment.</p> <p>Weight the bottom edge of the containment tarpaulins or plastic sheeting during a light breeze.</p> <p>Use plywood and/or plastic sheeting to cover open areas between decks when sandblasting (scuppers, railings, freeing ports, ladders, and doorways).</p> <p>Install tie rings or cleats, cable suspension systems, or scaffolding to make implementation of containment easier.</p>   |
| Nondrydock activities. ....               | <p>Hang tarpaulin from the boat, fixed, or floating platforms to reduce pollutants transported by wind.</p> <p>Pave or tarp surfaces under marine railways.</p> <p>Clean railways before the incoming tide.</p> <p>Haul vessels beyond the high tide zone before work commences or halt work during high tide.</p> <p>Place plastic sheeting or tarpaulin underneath boats to contain and collect waste and debris.</p> <p>Use fixed or floating platforms with appropriate plastic or tarpaulin barriers as work surfaces and for containment when work is performed on a vessel in the water to prevent blast material or paint overspray from contacting storm water or the receiving water.</p> <p>Sweep rather than hose debris present on the dock.</p> <p>Maintain an organized inventory of materials used in the maintenance shop.</p> <p>Dispose of greasy rag, oil filters, air filters, batteries, spent coolant, and degreasers properly.</p> <p>Label and track the recycling of waste material (i.e., used oil, spent solvents, batteries).</p> <p>Drain oil filters before disposal or recycling.</p> <p>Store cracked batteries in a nonleaking secondary container.</p> <p>Promptly transfer used fluids to the proper container; do not leave full drip pans or other containers around the shop. Empty and clean drip pans and containers.</p> <p>Do not pour liquid waste down floor drains, sinks, or outdoor storm drain inlets.</p> <p>Plug floor drains that are connected to the storm or sanitary sewer; if necessary, install a sump that is pumped regularly.</p> <p>Inspect the maintenance area regularly for proper implementation of control measures.</p> <p>Train employees on proper waste control and disposal procedures.</p> |
| Engine maintenance and repairs .....      | <p>Store permanent tanks in a paved area surrounded by a dike system which provides sufficient containment for the larger of either 10 percent of the volume of all containers or 110 percent of the volume of the largest tank.</p>  |
| Bulk liquid storage and containment ..... | <p>Maintain good integrity of all storage tanks.</p> <p>Inspect storage tanks to detect potential leaks and perform preventive maintenance.</p> <p>Inspect piping systems (pipes, pumps, flanges, couplings, hoses, valves) for failures or leaks.</p> <p>Train employees on proper filling and transfer procedures.</p>  |
| Material Handling .....                   | <p>Store containerized materials (fuels, paints, solvents, etc.) in a protected, secure location away from drains.</p>  |
| Containerized material storage .....      | <p>Store reactive, ignitable, or flammable liquids in compliance with the local fire code.</p> <p>Identify potentially hazardous materials, their characteristics, and use.</p> <p>Control excessive purchasing, storage, and handling of potentially hazardous materials.</p> <p>Keep records to identify quantity, receipt date, service life, users, and disposal routes.</p> <p>Secure and carefully monitor hazardous materials to prevent theft, vandalism, and misuse of materials.</p> <p>Educate personnel for proper storage, use, cleanup, and disposal of materials.</p> <p>Provide sufficient containment for outdoor storage areas for the larger of either 10 percent of the volume of all containers or 110 percent of the volume of the largest tank.</p> <p>Use temporary containment where required by portable drip pans.</p> <p>Use spill troughs for drums with taps.</p>   |
| Material Handling .....                   | <p>Mix paints and solvents in designated areas away from drains, ditches, piers, and surface waters. Locate designated areas preferably indoors or under a shed.</p>  |
| Designated material mixing areas .....    | <p>If spills occur,</p> <p>Stop the source of the spill immediately.</p> <p>Contain the liquid until cleanup is complete.</p> <p>Deploy oil containment booms if the spill may reach the water.</p> <p>Cover the spill with absorbent material.</p> <p>Keep the area well ventilated.</p> <p>Dispose of cleanup materials properly.</p> <p>Do not use emulsifier or dispersant.</p>   |
| Shipboard process water handling .....    | <p>Keep process and cooling water used aboard ships separate from sanitary wastes to minimize disposal costs for the sanitary wastes.</p> <p>Keep process and cooling water from contact with spent abrasives and paint to avoid pollution of the receiving water.</p> <p>Inspect connecting hoses for leaks.</p>   |

TABLE R-3.—COMMON MANAGEMENT PRACTICES FOR STORM WATER POLLUTION PREVENTION AT SHIP AND BOAT BUILDING AND REPAIRING FACILITIES—Continued

| Activity                                | BMPs   |
|---|--|
| Shipboard sanitary waste disposal ..... | Discharge sanitary wastes from the ship being repaired to the yard's sanitary system or dispose of by a commercial waste disposal company.<br>Use appropriate material transfer procedures, including spill prevention and containment activities. |
| Bilge and Ballast water .....           | Collect and dispose of bilge and ballast waters which contain oils, solvents, detergents, or other additives to a licensed waste disposal company.   |

Sources: EPA, Office of Water. 1993. "Guidance Specifying Management Measures for Survey of Nonpoint Pollution in Coastal Waters." 840-B-92-002.

University of South Alabama, College of Engineering. September 1992. Best Management Practices for the Shipbuilding and Repair Industry and for Bridge Maintenance Activities. College of Engineering Report No. 92-2.

NPDES Storm Water Group Applications—Part 1. Received by EPA March 18, 1991 through December 31, 1992.

#### 4. Pollutant Control Measures Required Through Other EPA Programs

EPA recognizes that the Resource Conservation and Recovery Act (RCRA) and the Underground Storage Tank (UST) programs require careful management of materials used at Ship Building and Repairing Facilities and Boat Building and Repairing Facilities.

Under the RCRA program, on September 10, 1992, EPA promulgated standards in 40 CFR Part 279 for the management of used oils that are recycled (57 FR 41566). These standards include requirements for used oil generators, transporters, processors/refiners, and burners. The standards for used oil generators apply to all generators, regardless of the amount of used oil they generate. Do-it-yourself (DIY) generators which generate used oil from the maintenance of their personal vehicles, however, are not subject to the management standards (Subsection 279.20(a)(1)).

The requirements for used oil generators were designed to impose minimal burden on generators while protecting human health and the environment from the risks associated with managing used oil. Under Subpart C of 40 CFR Part 279, used oil generators must not store used oil in units other than tanks, containers, or units subject to regulation under Part 264 or 265 of 40 CFR 279.22(a). In other words, generators may store used oil in tanks or containers that are not subject to Subpart J (Hazardous Waste Tanks) or Subpart I (Containers) of Parts 264/265, as long as such tanks or containers are maintained in compliance with the used oil management standards. This does not preclude generators from storing used oil in Subpart J tanks or Subpart I containers or other units, such as surface impoundments (Subpart K), that are subject to regulation under Part 264 or 265.

Storage units at generator facilities must be maintained in good condition

and labeled with the words "used oil."

Upon detection of a release of used oil to the environment, a generator must take steps to stop the release, contain the released used oil, and properly manage the released used oil and other materials (Sections 279.22(b)–(d)). Generators storing used oil in underground storage tanks are subject to the UST regulations (40 CFR Part 280).

If used oil generators ship used oil offsite for recycling, they must use a transporter who has notified EPA and obtained an EPA identification number (Section 279.24).

The technical standards for USTs at 40 CFR Part 280 require that new UST systems (defined as systems for which installation commenced after December 12, 1988) use overfill prevention equipment that will: (1) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or (2) alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high level alarm. The preceding requirements do not apply to systems that are filled by transfers of no more than 25 gallons at one time. Existing UST systems (defined as systems for which installation has commenced on or before December 12, 1988) are required to have installed the described overfill prevention equipment by December 12, 1998.

#### 5. Special Conditions

*a. Prohibition of Non-storm Water Discharges.* In addition to the prohibitions in part III.A., this section of today's permit does not authorize prohibited non-storm water discharges of wastewaters, such as bilge and ballast water, sanitary wastes, pressure washwater, and cooling water originating from vessels. The operators of such discharges must obtain coverage under a separate NPDES permit if discharged to waters of the U.S. or through a municipal separate storm sewer system. Part III.A.2 of today's

permit does, however, authorize certain non-storm water discharges.

#### 6. Storm Water Pollution Prevention Plan Requirements

The conditions that apply to ship and boat building and repairing facilities build upon the requirements set forth in the front of this fact sheet which are based on the requirements of the September 9, 1992 baseline general permit. The discussion which follows, therefore, only addresses conditions that differ from those baseline conditions.

##### *a. Contents of the Plan*

*(1) Description of Potential Pollutant Sources.* Under the description of potential pollutant sources in the storm water pollution prevention plan requirements, permittees are required to include the location(s) on their facility site map where engine maintenance and repair work, vessel maintenance and repair work, and pressure washing are performed. This requirement is the same as the baseline requirements presented in the front of this fact sheet, but here it is expressed in more appropriate terms for the ship and boat industry. Rather than requiring the location of "storage areas" as in the baseline general permit, this storm water pollution prevention plan specifies that the location of liquid storage areas (i.e., paint, solvents, resins) and material storage areas (i.e., blasting media, aluminum, steel) be shown. In addition, the site map must also indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls (e.g. storm water and air conditioner condensate). In order to increase the readability of the map, the inventory of the types of discharges contained in each outfall may be kept as an attachment to the site map.

*(2) Measures and Controls.* Under the description of measures and controls in the storm water pollution prevention plan requirements, this section requires

that all areas that may contribute pollutants to storm water discharges shall be maintained in a clean and orderly manner. This section of today's permit also requires that the following areas be specifically addressed:

**(a) Pressure Washing Area**—When pressure washing is used to remove marine growth from vessels, the discharge water must be collected or contained and disposed of as required by the NPDES permit for this process water, if the discharge is to waters of the U.S. or through a municipal separate storm sewer. The plan must describe the measures to collect or contain the discharge from the pressure washing area, detail the method for the removal of the visible solids, describe the method of disposal of the collected solids, and identify where the discharge will be released (i.e., the receiving waterbody, storm sewer system, sanitary sewers system).

**(b) Blasting and Painting Areas**—The facility must consider containing all blasting and painting activities to prevent abrasives, paint chips, and overspray from reaching a receiving waterbody or storm sewer system. The plan must describe measures taken at the facility to prevent or minimize the discharge of spent abrasive, paint chips, and paint into the receiving waterbody and storm sewer system. The facility may consider hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris. Where appropriate, a schedule for cleaning storm water conveyances to remove deposits of abrasive blasting debris and paint chips should be addressed within the plan. The plan should include any standard operating practices with regard to blasting and painting activities. Such items may include the prohibition of performing uncontained blasting and painting over open water or blasting and painting during windy conditions which can render containment ineffective.

**(c) Material Storage Areas**—All stored and containerized materials (fuels, paints, solvents, waste oil, antifreeze, batteries) must be stored in a protected, secure location away from drains and plainly labeled. The plan must describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The facility must specify which materials are stored indoors and consider containment or cover for materials that are stored outdoors. Above ground storage tanks, drums, and barrels permanently stored outside must be delineated on the site map with a description of the containment measures in place to prevent leaks and spills. The facility

must consider implementing an inventory control plan to prevent excessive purchasing, storage, and handling of potentially hazardous materials. Those facilities where abrasive blasting is performed must specifically include within the plan discussion on the storage and proper disposal of spent abrasive generated at the facility.

**(d) Engine Maintenance and Repair Areas**—The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for engine maintenance and repair. The facility must consider performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting the practice of hosing down the shop floor where the practice would result in the exposure of pollutants to storm water, using dry cleanup methods, and/or collecting the storm water runoff from the maintenance area and providing treatment or recycling.

**(e) Material Handling Areas**—The plan must describe measures that prevent or minimize contamination of the storm water runoff from material handling operations and areas (i.e., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). The facility must consider covering fueling areas; using spill and overflow protection mixing paints and solvents in a designated area, preferably indoors or under a shed; and minimizing runoff of storm water to material handling areas. Where applicable, the plan must address the replacement or repair of leaking connections, valves, pipes, hoses, and soil chutes carrying wastewater from vessels.

**(f) Drydock Activities**—The plan must address the routine maintenance and cleaning of the drydock to minimize the potential for pollutants in storm water runoff. The facility must describe the procedures for cleaning the accessible areas of the drydock prior to flooding and the final cleanup after the vessel is removed and the dock is raised. Cleanup procedures for oil, grease, or fuel spills occurring on the drydock must also be included within the plan. The facility must consider items such as sweeping rather than hosing off debris and spent blasting material from the accessible areas of the drydock prior to flooding and having absorbent materials and oil containment booms readily available to contain and cleanup any spills.

**(g) General Yard Area**—The plan must include a schedule for routine

yard maintenance and cleanup. Scrap metal, wood, plastic, miscellaneous trash, paper, glass, industrial scrap, insulation, welding rods, packaging etc., must be routinely removed from the general yard area. The facility must consider such measures as providing covered trash receptacles in each yard on each pier, and on board each vessel being repaired.

These seven areas are the common sources of pollutants in storm water from ship building and repairing, at boat building and repairing activities. Based upon Best Management Practices for the Shipbuilding and Repair Industry and for Bridge Maintenance Activities prepared by the College of Engineering at the University of South Alabama, the suggested management measures are commonly used at ship and boat facilities. EPA believes the incorporation of management practices such as those suggested will substantially reduce the potential for these activities and areas to contribute pollutants to storm water discharge. In addition, EPA believes that these requirements will continue to provide the necessary flexibility to address variable risk for pollutants in storm water discharges associated with different facilities. Many facilities will find that appropriate management measures are already employed at the facility because they have been required under an existing EPA program.

The preventive maintenance requirements specifically include routine inspection of sediment traps to ensure that spent abrasives, paint chips and solids will be intercepted and retained prior to entering the storm drainage system. Because of the nature of operations occurring at ship and boat facilities, routine attention needs to be placed on the collection and proper disposal of spent abrasive, paint chips and other solids.

In addition to the comprehensive evaluation required under Part XI.R.3.a.(4) of today's permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility, at a minimum, on a monthly basis. The following areas shall be included in all inspection procedures: pressure washing areas, blasting and painting areas, material storage areas, engine maintenance and repair areas, material handling areas, drydock areas, and general yard areas. A set of tracking and follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspection findings. Records shall be maintained.

The purpose of the inspections is to check on the implementation and effectiveness of the storm water



pollution prevention plan. The inspections allow facility personnel monitor the success or failure of elements of the plan on a regular basis. The use of an inspection checklist is encouraged. The checklist will ensure that all required areas are inspected, as well as help to meet the record keeping

The permittee is required to identify annual (once per year) dates for employee training. Employee training must, at a minimum address the following areas when applicable to a facility: used oil management; spent solvent management proper disposal of spent abrasives proper disposal of vessel wastewaters, spill prevention and control; fueling procedures; general good housekeeping practices; proper painting and blasting procedures; and used battery management. Employees, independent contractors, and customers must be informed about BMPs and be required to perform in accordance with these practices. The permittee is required to consider posting easy to read or graphic depictions of BMPs that are included in the plan as well as emergency phone numbers in the work areas. This practice will enhance employees understanding the pollutant control measures. Unlike some industrial operations, the industrial activities associated with ship and boat building and repair facilities that may affect storm water quality require the cooperation of all employees. EPA, therefore, is requiring that employee training take place at least once a year to serve as: (1) Training for new employees (2) a refresher course for existing employees (3) training for all employees on any storm water pollution prevention techniques recently incorporated into the plan and (4) a forum for the facility to invite independent contractors and customers to inform them of pollution prevention procedures and requirements.

#### 7. Numeric Effluent Limitation

There are no additional numeric effluent limitations beyond those described in Part V.B. of today's permit.

#### 8. Monitoring and Reporting Requirements

**a. Analytical Monitoring Requirements.** Under the Storm Water Regulations at 40 CFR 122.26(b)(14), EPA defined "storm water discharge associated with industrial activity." The focus of today's permit is to address the presence of pollutants that are associated with the industrial activities identified in this definition and that might be found in storm water discharges. Under the methodology for

determining analytical monitoring requirements, described in section VI.E.1 of this fact sheet, nitrate plus nitrite nitrogen is above the benchmark concentrations for the ship and boat building or repair yards sector. After a review of the nature of industrial activities and the significant materials exposed to storm water described by facilities in this sector, EPA has determined that the higher concentrations of nitrate plus nitrite nitrogen are not likely to be caused by the industrial activity, but may be primarily due to non-industrial activities on-site. Today's permit does not require ship and boat building or repair yards facilities to conduct analytical monitoring for this parameter. Therefore, under the revised methodology for determining pollutants of concern in the various industrial sectors, no analytical monitoring is required by ship and boat building and repairing facilities.

**b. Quarterly Visual Examination of Storm Water Quality.** Ship and boat building or repair yard facilities shall perform and document a visual examination of a storm water discharge associated with industrial activities from each outfall, except discharges exempted under paragraph (3) below. The examination(s) must be made at least once in each of the following 3-month periods: January through March, April through June, July through September, and October through December. The examination shall be made during daylight hours unless there is insufficient rainfall or snow melt to produce a runoff event.

(1) Examinations shall be made of grab samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging. The examinations shall document observations of color, odor, clarity, coating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where practicable, the same individual should carry out the collection and examination of discharges for entire permit term.

(2) Visual examination reports must be maintained onsite in the pollution prevention plan. The report shall

include the examination date and the examination personnel, the nature of discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

(3) When a facility has two or more outfalls that, based on a consideration of industrial activity, significant material and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), high (above 65 percent)] shall be provided in the plan.

(4) When a discharger is unable to collect samples over the course of the visual examination period as a result of adverse climatic conditions, the discharger must document the reasons for not performing the visual examination and retain this documentation onsite with the records of the visual examinations. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (Such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of samples impracticable (drought, extended frozen conditions, etc.).

(5) EPA realizes that if a facility is inactive and understaffed it may be difficult to collect storm water discharge samples when a qualifying event occurs. Today's final permit has been revised so that inactive, understaffed facilities can exercise a waiver of the requirement to conduct quarterly visual examinations. EPA believes that this quick and simple assessment will allow the permittee to approximate the effectiveness of his/her plan on a regular basis at very little cost. Although the visual examination cannot assess the

chemical properties of the storm water discharged from the site, the examination will provide meaningful **“”** results upon which the facility may act quickly. The frequency of this visual examination will also allow for timely adjustments to be made to the plan. If BMPs are performing ineffectively, corrective action must be implemented. A set of tracking or follow-up procedures must be used to ensure that appropriate actions are taken in response to the examinations. The **visual examination is intended to be performed by members of the pollution prevention team.** This hands-on examination will enhance the staff's understanding of the storm water problems on that site and the effects of the management practices that are included in the plan.

**S. Storm Water Discharges Associated With Industrial Activity From Vehicle Maintenance Areas, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities**

**1. Discharges Covered Under This Section**

The conditions in this section apply to airports, airport terminals, airline carriers, and establishments engaged in **servicing, repairing, or maintaining aircraft and ground vehicles, equipment cleaning and maintenance (including vehicle and equipment rehabilitation, mechanical repairs, painting, fueling, lubrication) or deicing/anti-icing operations** which conduct the above described activities (facilities generally classified as SIC code 45). For the purpose of this final permit, the term “deicing” is defined as the process to remove frost, snow, or ice and “anti-icing” is the process which prevents the accumulation of frost, snow, or ice. Both of these activities are covered under this permit.

When an industrial facility described by the above coverage provisions of this section, has industrial activities being conducted onsite that meet the descriptions of industrial activities in another section(s), that industrial facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to all applicable requirements in this section. The monitoring and pollution prevention plan terms and conditions of this multi-sector permit are additive for industrial activities being conducted at the same industrial facility (co-located industrial activities). The operator of the facility shall determine which other monitoring and pollution prevention

plan section(s) of this permit (if any) are applicable to the facility.

**a. Responsible Parties.** Airports typically operate under a single management organization known as the airport “authority” which in most cases is a public agency. Airline carriers and other fixed base operators (e.g., fueling companies and maintenance shops) that have contracts with the airport authority to conduct business on port property are commonly referred to as “tenants” of the airport. Tenants may be of two types—those that are regulated as storm water dischargers associated with industrial activities under 40 CFR 122.26 (b)(14) and those that will not. The operator and the tenants of the airport that conduct industrial activities as described above, or as described anywhere in 40 CFR 122.26 (b)(14) and which have storm water discharges, are required to apply for coverage under an NPDES storm water permit for the discharges from their areas of operation. Where an airport has multiple operators (airport authority and tenants) that have storm water discharges associated with industrial activity, as described above, each operator is required to apply for coverage under an NPDES storm water permit. This may be done as separate operators or may be done as co-permitters. Regardless, each individual party, whether a co-permittee or a separate permittee, must submit a notice of intent (NOI) to be covered under today's permit. During implementation of the storm water pollution prevention plan, the airport authority should work cooperatively with tenants that are not required to have a NPDES permit for their storm water discharges. The airport authority may accomplish this through negotiated agreements, contractual requirements, or other means. Ultimately, the operator(s)/owner(s) (the airport authority) of the storm water outfalls from the airport is(are) responsible for compliance with all terms and conditions of this or other NPDES permits applicable to those outfalls. Storm water pollution prevention plans developed separately for areas of the airport facility occupied by tenants of the airport that are regulated under 40 CFR 122.26 (b)(14) as a storm water discharge associated with industrial activity shall be integrated into the storm water pollution prevention plan for the entire airport facility.

The airport authority and tenants of the airport are encouraged to apply as co-permitters under today's permit, and to work in partnership in the development and implementation of a storm water pollution prevention plan.

**z. Pollutants Found in Storm Water Discharges**

In general, the quantitative data submitted thus far has not raised particular areas of concern with respect to discharges of pollutants resulting from vehicle maintenance and/or deicing/anti-icing operations conducted at airport facilities. However, EPA believes that the past sampling data does not provide justification that discharges resulting from deicing/icing operations are not a significant source of pollutants. The sampling requirements for part 2 of the tie group application did not specify that facilities must sample storm water discharges from areas where deicing/anti-icing activities occur and/or during times when such operations were being conducted. As a result, only one facility indicated that the sampling data submitted was collected from areas where deicing activities were being conducted. After reviewing recent case studies on the effects of glycol discharges to receiving waters, EPA reports and the results of FAA survey, EPA believes that additional information on the discharges of deicing/anti-icing chemicals to receiving waters as a result of aircraft and runway deicing/anti-icing operations is warranted and necessary.

Both ethylene and propylene glycol exert high oxygen demands when released into receiving waters. As such, this section requires that facilities report both the Biochemical Oxygen Demand (BOD) and Chemical Oxygen Demand (COD) of discharges sampled at facilities that use at least 100,000 gallons or more of glycol-based deicing/anti-icing chemicals. The concentration of nitrogen and possibly ammonia are of concern with respect to deicing/anti-icing operations where urea is used. Therefore, this section requires that facilities subject to the monitoring requirements in Part XLS.5. of the permit also report the concentration of Total Kjeldahl Nitrogen (TKN) in discharges sampled.

The results of the storm water survey conducted by the FAA (June 1995) showed that 10 percent of the respondents who conduct deicing/anti-icing activities used more than 100,000 gallons of glycol-based deicing/anti-icing chemicals during winter season. In addition, those facilities using more than 100,000 gallons of glycol-based deicing/anti-icing chemicals accounted for 71 percent of the total amount of glycol-based deicing/anti-icing chemicals reported in the survey. In a similar survey conducted by the American Association of Airports

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**



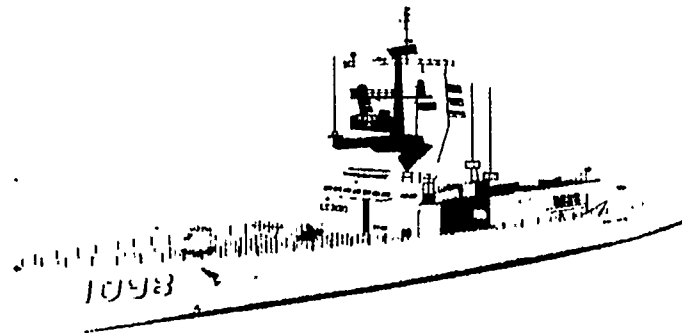
**METAL PRODUCTS & MACHINERY PHASE II  
RULEMAKING EFFORT**

**PROJECT BRIEFING  
NATIONAL SHIPBUILDING RESEARCH PANEL  
FACILITIES & ENVIRONMENTAL PANEL**

**MAY 1995**

# OBJECTIVES

- **SUMMARIZE EPA, OFFICE OF WATER, RULEMAKING PROCESS AND SHIPYARD IMPACTS.**
- **SUMMARIZE METAL PRODUCTS AND MACHINERY (MP&M) PROJECT.**
  - **PHASE I.**
  - **PHASE II.**
- **DESCRIBE POSSIBLE EPA / NSRP INTERACTION TO ENSURE DEVELOPMENT OF SENSIBLE RULES.**

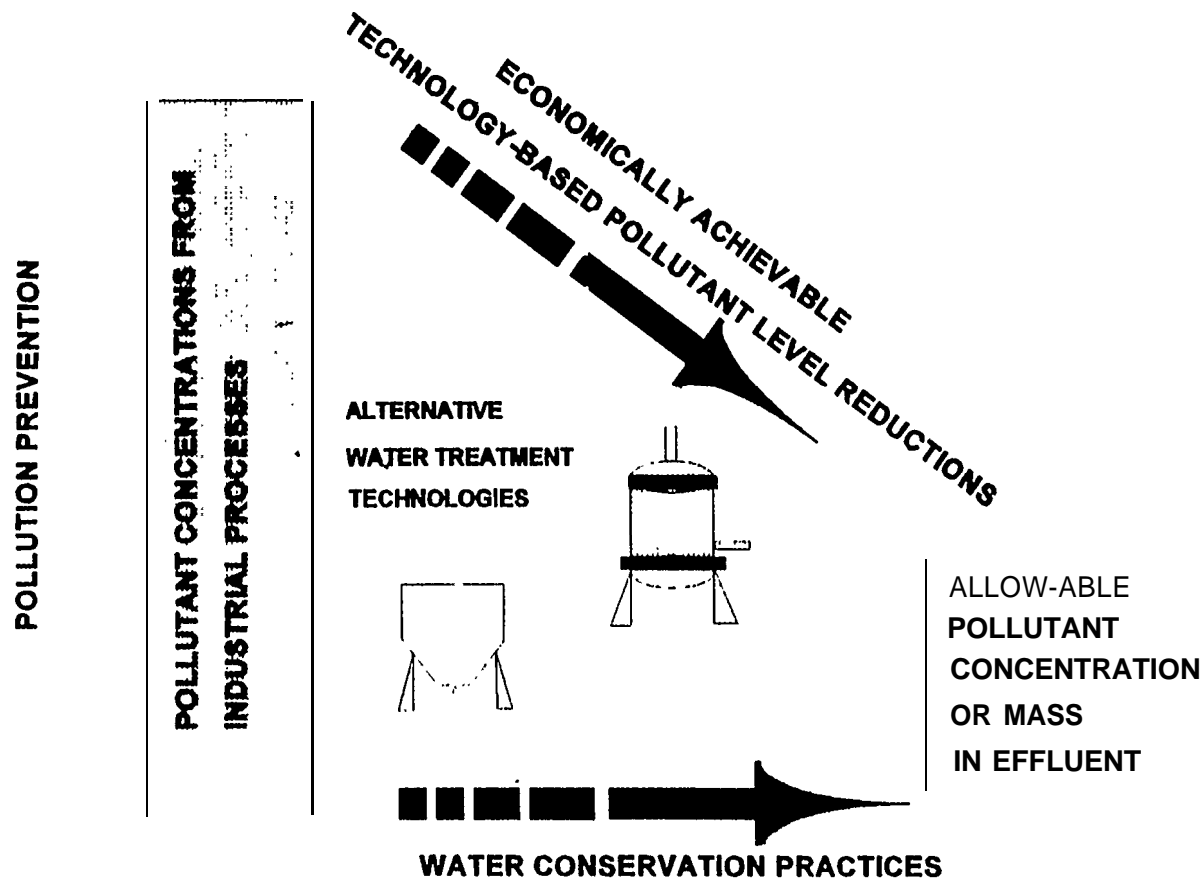


# INTRODUCTION

## EFFLUENT LIMITATIONS GUIDELINES

- EFFLUENT LIMITATIONS GUIDELINES BASED ON ACT REQUIREMENTS.
- GUIDELINES ARE DEVELOPED BASED ON TECHNOLOGY AND NOT WATER QUALITY CRITERIA.
  - .. BEST AVAILABLE TECHNOLOGY, ECONOMICALLY ACHIEVABLE.
  - .. RULES IMPACT EFFLUENT' - NOT IN-PLANT OPERATIONS.
- GUIDELINES BASED ON ACTUAL DATA COLLECTED FROM ENTIRE MANUFACTURING PROCESS:
  - .. WASTEWATER GENERATION IN-PLANT.
  - .. TREATMENT TECHNOLOGY.
  - .. POLLUTANTS IN EFFLUENT.

# EFFLUENT LIMITATIONS GUIDELINES TECHNOLOGY BASIS



# **EPA RULEMAKING PROCESS**

**EPA**  
**SCIENCE, ENGINEERING,**  
**COMMON SENSE**



**CLEAN WATER ACT**  
**ENVIRONMENTAL GROUPS**  
**LAWSUITS, CONSENT DECREE**

**EXECUTIVE ORDERS**  
**LOBBYIST COMMUNITY**  
**COST EFFECTIVENESS**

# **INTRODUCTION**

## **METAL PRODUCTS & MACHINERY PROJECT**

- **PROJECT INTENDED TO REGULATE EFFLUENT FROM METAL PRODUCTS AND MACHINERY.**
  - **MANUFACTURE.**
  - **MAINTENANCE.**
  - **REPAIR.**
- **OVERALL PROJECT SCHEDULE SET BY CONSENT DECREE**
  - **DIVIDED INTO TWO PHASES FOR ADMINISTRATIVE MANAGEABILITY.**
  - **INDUSTRY CATEGORIES DEFINED.**
  - **SCHEDULE DETERMINED:**

|                          | <u>PROPOSAL</u>  | <u>FINAL</u>     |
|--------------------------|------------------|------------------|
| <b>MP&amp;M PHASE I</b>  | <b>MAR. 1995</b> | <b>SEP. 1996</b> |
| <b>MP&amp;M PHASE II</b> | <b>DEC. 1997</b> | <b>DEC. 1999</b> |
- **MP&M PHASE II WILL IMPACT SOME PORTION OF SHIPBUILDING INDUSTRY.**



# **MP&M PROJECT INDUSTRIAL CATEGORIES**

## **PHASE I**

**AEROSPACE**

**AIRCRAFT**

**HARDWARE**

**ELECTRONIC EQUIPMENT**

**ORDNANCE**

**MOBILE INDUSTRIAL EQUIPMENT**

**STATIONARY INDUSTRIAL  
EQUIPMENT**

## **PHASE II**

**MOTOR VEHICLE**

**OFFICE EQUIPMENT**

**RAILROAD**

**PRECIOUS METALS**

**HOUSEHOLD APPLIANCES**

**BUS & TRUCK**

**INSTRUMENTS**

**SHIPBUILDING**

## **MP&M AND OTHER RULES**

**PRODUCTION-BASED GUIDELINES (i.e., IRON & STEEL  
MANUFACTURING, NONFERROUS METALS MANUFACTURING, etc.)**

**MANUFACTURING RULES (i.e.,  
ALUMINUM FORMING, etc.)**

**MANUFACTURING OPERATIONS (i.e., MACHINING,  
GRINDING, CLEANING, etc.)**

**FINISHING RULES (i.e., ELECTROPLATING, METAL  
FINISHING; etc.) - APPLICABILITY ISSUES.**

# **PROJECT STATUS MP&M PHASE I**

**PROPOSAL SCHEDULED FOR FEDERAL REGISTER PUBLICATION ON  
MAY 31, 1995.**

**RULE INTENDED TO SUPERSEDE METAL FINISHING (40 CFR 433)  
BUT NOT OTHER EFFLUENT LIMITATIONS GUIDELINES.**

**KEY PROPOSAL PROVISIONS:**

- EXEMPTION FOR SMALL SOURCES (< 1,000,000 gal.lyr.).**
- LIMITS CONSISTENT ACROSS FACILITY TYPES (i.e., PSES,  
NSPS, etc.).**
- “ LIMITS ARE FOR CONCENTRATION WITH CONVERSION TO  
MASS (BASED ON FLOW GUIDANCE).  
DILUTION PROHIBITED.**

**COMMENTS ARE ENCOURAGED.**

**METAL PRODUCTS & MACHINERY'**  
**PROPOSED 40 CFR 438**

| POLLUTANT / PROPERTY   | MAXIMUM CONCENTRATION,<br>1 DAY, (mg/1) | MONTHLY AVERAGE<br>CONCENTRATION (mg/1) |
|------------------------|---|---|
| ALUMINUM               | 1.4                                     | 1.0                                     |
| CADMIUM                | 0.7                                     | 0.3                                     |
| CHROMIUM               | 0.3                                     | 0.2                                     |
| COPPER                 | 1.3                                     | 0.6                                     |
| IRON                   | 2.4                                     | 1.3                                     |
| NICKEL                 | 1.1                                     | 0.5                                     |
| ZINC                   | 0.8                                     | 0.4                                     |
| CYANIDE                | 0.03                                    | 0.02                                    |
| OIL & GREASE           | 35                                      | 17                                      |
| TOTAL SUSPENDED SOLIDS | 73                                      | 36                                      |
| pH                     | 1 . (@))                                | (cm                                     |

@ = pH SHALL BE BETWEEN 6.0 AND 9.0

# **PROJECT STATUS MP&M PHASE II**

- **MP&M PHASE II INITIATED IN JANUARY 1995- MOVING AHEAD.**
- **MP&M PHASE II WILL LEVERAGE AS MUCH MP&M PHASE 1 DATA AS POSSIBLE.**
- **DATA COLLECTION INITIATED:**
  - **SITE VISITS ALREADY IN PROGRESS.**
  - **Q U E S T I O N N A I R E   D E V E L O P E D   -   ~**
  - **PLANNING SAMPLING VISITS.**
- **EPA SEEKS MAXIMUM INDUSTRY INPUT IN RULEMAKING PROCESS.**

## **FUTURE ACTIVITIES MP&M PHASE II**

- **EPA / NSRP COORDINATION WILL HELP GENERATE USEFUL  
INDUSTRY DATA:**
  - .0 **QUESTIONNAIRE REVIEW FOR TECHNICAL MERIT.**
  - .0 **QUESTIONNAIRE COMPLETION (BURDEN?).**
  
- **EPA I NSRP COORDINATION WILL HELP IDENTIFY SITE & SAMPLING  
VISIT CANDIDATES USING BEST AVAILABLE TECHNOLOGY:**
  - .0 **SITE VISIT (ONE OR TWO DAYS).**
  - .0 **SAMPLING VISIT (ONE WEEK, WASTEWATER  
CHARACTERIZATION).**
  - .0 **SITES GET COPIES OF ALL FINAL REPORTS (\$300 K).**
  
- **SAMPLING VISIT RESULTS ANALYZED STATISTICALLY TO YIELD  
FINAL GUIDELINE.**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**



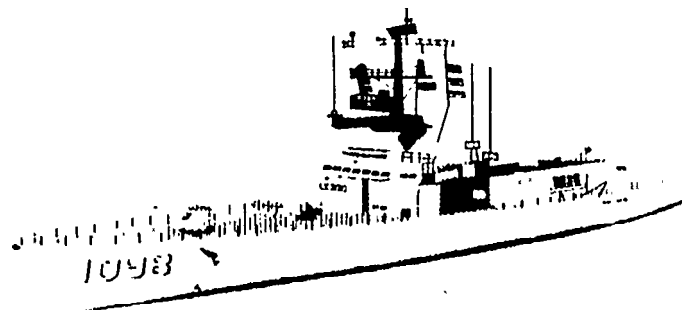
**METAL PRODUCTS & MACHINERY PHASE II  
RULEMAKING EFFORT**

**PROJECT BRIEFING  
NATIONAL SHIPBUILDING RESEARCH PANEL  
FACILITIES & ENVIRONMENTAL PANEL**

**MAY 1995**

# OBJECTIVES

- **SUMMARIZE EPA, OFFICE OF WATER, RULEMAKING PROCESS AND SHIPYARD IMPACTS.**
- **SUMMARIZE METAL PRODUCTS AND MACHINERY (MP&M) PROJECT.**
  - ● **PHASE-I.**
  - 0 **PHASE II.**
- **DESCRIBE POSSIBLE EPA / NSRP INTERACTION TO ENSURE DEVELOPMENT OF SENSIBLE RULES.**



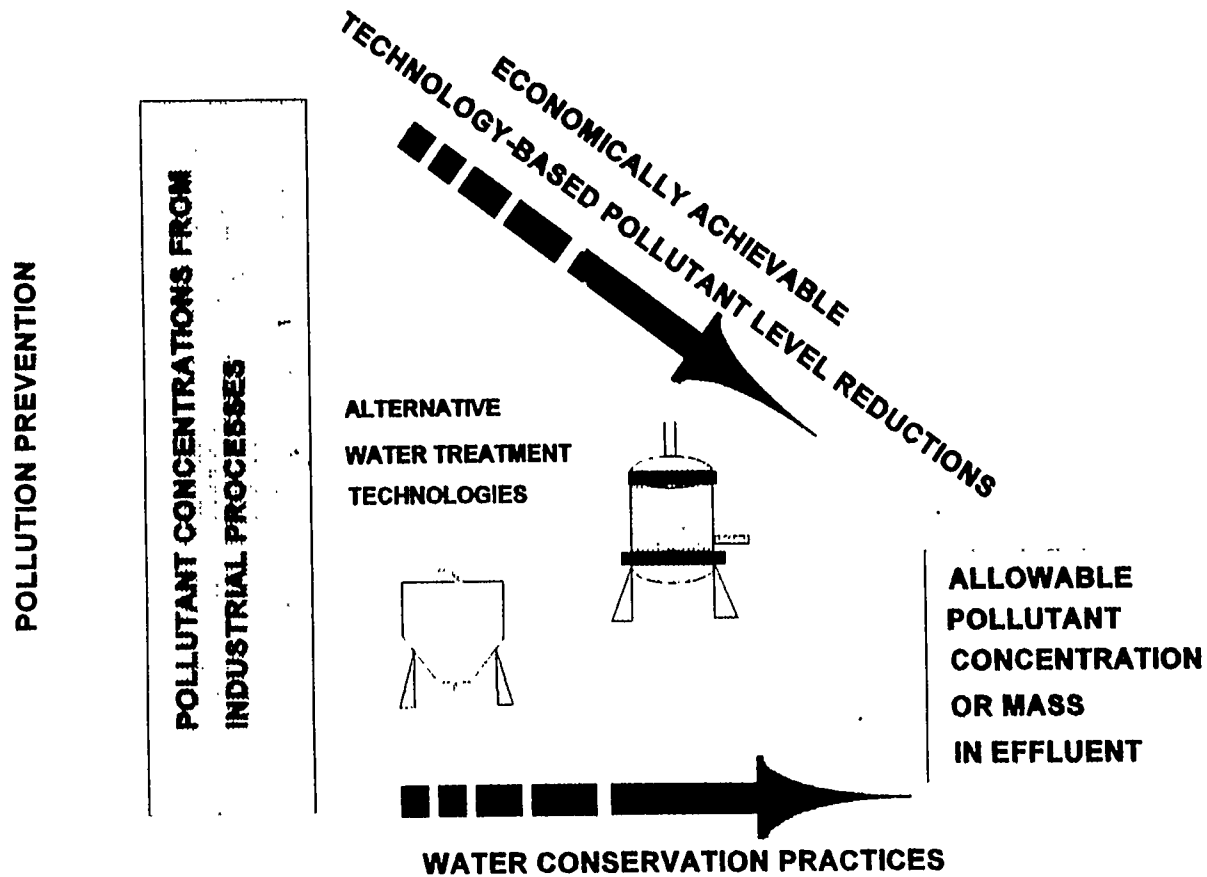


# INTRODUCTION

## EFFLUENT LIMITATIONS GUIDELINES

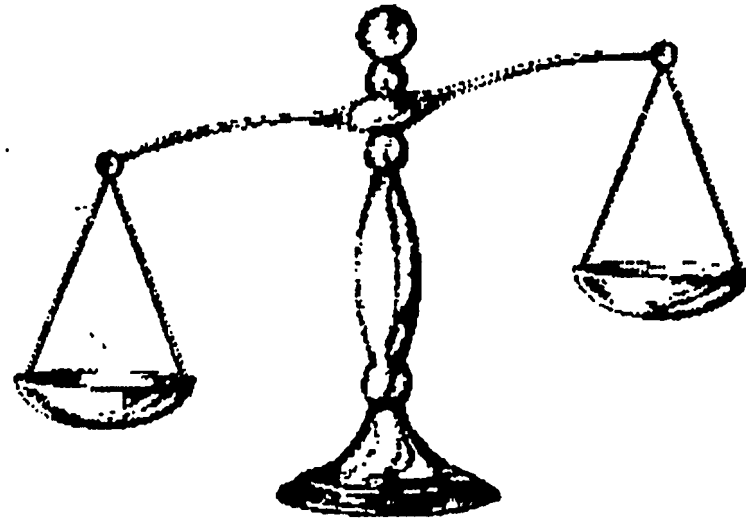
- EFFLUENT LIMITATIONS GUIDELINES BASED ON ACT REQUIREMENTS.
- GUIDELINES ARE DEVELOPED BASED ON TECHNOLOGY AND NOT WATER QUALITY CRITERIA.
  - .. BEST AVAILABLE TECHNOLOGY, ECONOMICALLY ACHIEVABLE.
  - .. RULES IMPACT EFFLUENT - NOT IN-PLANT OPERATIONS.
- GUIDELINES BASED ON ACTUAL DATA COLLECTED FROM ENTIRE MANUFACTURING PROCESS:
  - WASTEWATER GENERATION IN-PLANT.
  - TREATMENT TECHNOLOGY.
  - POLLUTANTS IN EFFLUENT.

# EFFLUENT LIMITATIONS GUIDELINES TECHNOLOGY BASIS



# EPA RULEMAKING PROCESS

**EPA**  
**SCIENCE, ENGINEERING,**  
**COMMON SENSE**



**CLEAN WATER ACT**  
**ENVIRONMENTAL GROUPS**  
**LAWSUITS, CONSENT DECREE**

**EXECUTIVE ORDERS**  
**LOBBYIST COMMUNITY**  
**COST EFFECTIVENESS**

# **INTRODUCTION**

## **METAL PRODUCTS & MACHINERY PROJECT**

**PROJECT INTENDED TO REGULATE EFFLUENT FROM METAL PRODUCTS AND MACHINERY:**

- .. MANUFACTURE.**
- .. MAINTENANCE.**
- .. REPAIR.**

**OVERALL PROJECT SCHEDULE SET BY CONSENT DECREE**

- .. DIVIDED INTO TWO PHASES FOR ADMINISTRATIVE MANAGEABILITY.**
- .. INDUSTRY CATEGORIES DEFINED.**
- .. SCHEDULE DETERMINED:**

|                          | <u><b>PROPOSAL</b></u> | <u><b>FINAL</b></u> |
|--------------------------|------------------------|---------------------|
| <b>MP&amp;M PHASE 1</b>  | <b>MAR. 1995</b>       | <b>SEP. 1996</b>    |
| <b>MP&amp;M PHASE II</b> | <b>DEC. 1997</b>       | <b>DEC. 1999</b>    |

- MP&M PHASE II WILL IMPACT SOME PORTION OF SHIPBUILDING INDUSTRY.**

# MP&M PROJECT INDUSTRIAL CATEGORIES

## PHASE I

AEROSPACE

AIRCRAFT

HARDWARE

ELECTRONIC EQUIPMENT

ORDNANCE

MOBILE INDUSTRIAL EQUIPMENT

STATIONARY INDUSTRIAL  
EQUIPMENT

## PHASE II

MOTOR VEHICLE

OFFICE EQUIPMENT

RAILROAD

PRECIOUS METALS

HOUSEHOLD APPLIANCES

BUS & TRUCK

INSTRUMENTS

SHIPBUILDING

## MP&M AND OTHER RULES

**PRODUCTION-BASED GUIDELINES (i.e., IRON & STEEL MANUFACTURING, NONFERROUS METALS MANUFACTURING, etc.) .**

**MANUFACTURING RULES (i.e., ALUMINUM FORMING, etc.)**

**MANUFACTURING OPERATIONS (i.e., MACHINING, GRINDING, CLEANING, etc.)**

**FINISHING RULES (i.e., ELECTROPLATING, METAL FINISHING; etc.) - APPLICABILITY ISSUES.**

# **PROJECT STATUS MP&M PHASE I**

- **PROPOSAL SCHEDULED FOR FEDERAL REGISTER PUBLICATION ON MAY 31, 1995.**
- **RULE INTENDED TO SUPERSEDE METAL FINISHING (40 CFR 433) BUT NOT OTHER EFFLUENT LIMITATIONS GUIDELINES.**
- **KEY PROPOSAL PROVISIONS:**
  - **◦ EXEMPTION FOR SMALL SOURCES (< 1,000,000 gal.lyr.).**
  - **LIMITS CONSISTENT ACROSS FACILITY TYPES (i.e., PSES, NSPS, etc.).**
  - **◦ LIMITS ARE FOR CONCENTRATION WITH CONVERSION TO MASS (BASED ON FLOW GUIDANCE).**
  - **DILUTION PROHIBITED.**
- **COMMENTS ARE ENCOURAGED.**

## **METAL PRODUCTS & MACHINERY PROPOSED 40 CFR 438**

| <b>POLLUTANT / PROPERTY</b>   | <b>MAXIMUM CONCENTRATION,<br/>1 DAY, (mg/l)</b> | <b>MONTHLY AVERAGE<br/>CONCENTRATION (mg/l)</b> |
|-------------------------------|---|---|
| <b>ALUMINUM</b>               | <b>1.4</b>                                      | <b>1.0</b>                                      |
| <b>CADMIUM</b>                | <b>0.7</b>                                      | <b>0.3</b>                                      |
| <b>CHROMIUM</b>               | <b>0.3</b>                                      | <b>0.2</b>                                      |
| <b>COPPER</b>                 | <b>1.3</b>                                      | <b>0.6</b>                                      |
| <b>IRON</b>                   | <b>2.4</b>                                      | <b>1.3</b>                                      |
| <b>NICKEL</b>                 | <b>1.1</b>                                      | <b>0.5</b>                                      |
| <b>ZINC</b>                   | <b>0.8</b>                                      | <b>0.4</b>                                      |
| <b>CYANIDE</b>                | <b>0.03</b>                                     | <b>0.02</b>                                     |
| <b>OIL &amp; GREASE</b>       | <b>35</b>                                       | <b>17</b>                                       |
| <b>TOTAL SUSPENDED SOLIDS</b> | <b>73</b>                                       | <b>36</b>                                       |
| <b>pH</b>                     | <b>(@)</b>                                      | <b>(@)</b>                                      |

@ = pH SHALL BE BETWEEN 6.0 AND 9.0



# PROJECT STATUS

## MP&M PHASE II

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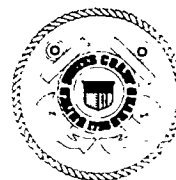
## APPENDIX F

## **APPENDIX F**

### **COAST GUARD'S JANUARY 1996 MARINE SAFETY NEWSLETTER**



# MARINE SAFETY NEWSLETTER



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The Marine Safety Newsletter is published by the USCG Office of Marine Safety, Security and Environmental Protection to collect and disseminate information that is of general interest to the maritime community. The monthly Newsletter prints abstracts of major USCG rulemakings, studies, special projects, and related events. Articles from non-Coast Guard sources may not represent USCG policy or views.

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OFFICE OF MARINE SAFETY, SECURITY AND ENVIRONMENTAL PROTECTION

## NEWS

### **U.S. Coast Guard Releases New OSRO Guidelines**

On January 3, 1996, the U.S. Coast Guard released new guidelines for the classification of Oil Spill Removal Organizations (OSRO). The new guidelines replace the original classification program that was implemented in December 1992. The revised guidelines are the result of two public workshops and a two month public comment period on the draft version of these new guidelines.

Under the Oil Pollution Act of 1990, vessel and facility owners or operators of certain oil carrying vessels and oil handling facilities are required to have response plans in preparation for oil spills. Response resources must be listed in the response plans. To assist plan preparers in selecting adequate response resources, the Coast Guard evaluates the response capability of OSROs that volunteer to participate in the Coast Guard's classification program. The OSROs are classified according to their indicated capability to respond to specified spill sizes in stipulated response times in selected geographic areas. Vessel and facility owners and operators can then list Coast Guard classified OSROs that meet their specific response needs in their response plans in lieu of listing response resource lists.

Coast Guard classified OSROs are the cornerstone of many of the response plans created under OPA 90's mandate. The importance of the program stimulated a need to "fix" identified weaknesses in the program. OPA 90 intended to create an effective private industry response capability, but the original classification program was too broad to assist with that goal. The revised OSRO program will contribute greatly to the nation's knowledge of our realistic national oil spill response capability, and by doing so, will allow gaps to be identified and filled. The revised OSRO program will be a very important tool in the Coast Guard's arsenal of tools use to protect our environment.

Copies of the revised OSRO guidelines may be obtained by contacting the National Maritime Center at (703)235-0018 or by faxing a request to (703)235-1062. Written requests should be addressed to: Publications, National Maritime Center, 4200 Wilson Blvd., Suite 510, Arlington, VA 22203-1804. The document is available through the World Wide Web at <http://www.starsoftware.com/uscgmmc/nmc/>.

### **Revised Small Passenger Vessel Regulations**

The Coast Guard has published an interim rule implementing new safety standards for more than 5,500 small passenger vessels nationwide. The new regulations represent the first significant revision to the small passenger vessel regulations since 1963. Collectively, the small passenger vessel fleet represents the largest category of commercial vessels subject to inspection in the U.S. The most significant change to the small passenger vessel regulations is the creation of a new subchapter for vessels carrying more than 150 passengers or with overnight accommodations for more than 49 passengers. The new regulations are needed to provide a proper level of safety on vessels which, because of their greater size, passenger capacity, and complexity, are beyond the traditional description of a small passenger vessel.

Significant improvements within the rule include increased survival craft and fire fighting equipment requirements for certain vessels; new construction subdivision standard for vessels constructed of wood; increased use of commercially available fire retardant materials without requiring specific evaluation and approval by the Coast Guard; and the establishment of a new upper limit threshold above which compliance with the construction and outfitting requirements for a passenger vessels of more than 100 gross tons would be required. For a copy please contact Lt Christenson at Coast Guard Headquarters at (202) 267-1055.

---

## NEWS (CONT'D)

### **Coast Guard Publishes Supplemental Notice of Proposed Rulemaking Concerning Structural Requirements for Existing Single Hull Tank Vessels**

The Coast Guard is receiving comments on the proposed structural measures to reduce oil spills from existing tank vessels without double hulls. The supplemental notice of proposed rulemaking (SNPRM) was published on December 28, 1995 and the comment period expires on March 27, 1996. The Oil Pollution Act of 1990 required the Coast Guard to develop operational and structural rules to reduce oil pollution from existing vessels. These rules are to provide as substantial protection to the environment as possible within the limits of technological and economic feasibility. The SNPRM describes the effectiveness and costs of selected structural measures. The SNPRM points out the potential costs of structural measures and their anticipated benefits. No adverse comments on the SNPRM have yet been received. For a copy please contact LCDR Englebert at Coast Guard Headquarters at (202)267-64901

### **Chemical Incident In Bayonne, New Jersey**

On October 11, 1995, a freight container aboard the M/V *Wealthy River* arriving in Bayonne, New Jersey, began to emit dense fumes of sulfurous gases. At least four persons are known to have become ill from inhalation of the fumes and one individual was hospitalized. Other freight containers in the same hold were contaminated with residue deposited by the fumes. The U.S. Coast Guard determined the fumes to be caused by the violent product identified as thiourea dioxide.

Thiourea dioxide, is also shipped under its synonym, formamidinium sulfinic acid. Shippers and importers of the material and available material safety data sheets do not identify it as a hazardous material; however, laboratory testing on behalf of the Coast Guard confirmed the samples taken from one shipment of the material met the criteria for the hazard classification "self-heating solid," United Nations hazard class 4.2.

The incident in Bayonne was the second in United States ports in less than two years. Other similar incidents are reported to have occurred in Taiwan and Japan. The cause of the violent decomposition has not been determined, but the Coast Guard believes it may be triggered by heat, humidity or some combination of these factors.

The Coast Guard cautions U.S. importers and carriers that the recent testing and reported incidents suggest thiourea dioxide is a hazardous material for the purposes of ocean transportation, and should be documented, prepared for shipment, and carried in accordance with U.S. Federal Regulations and applicable international codes. Importers especially are obligated under Title 49 of the Code of Federal Regulations to provide foreign shippers with timely and complete information about the necessity of complying with U.S. regulations.

Persons seeking more information or having additional information about the properties of thiourea dioxide and those who may know of other incidents involving the chemical decomposition of thiourea dioxide are invited to contact the Commandant (G-MOS-3), U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001, USA. Telephone (202)267-0018, Fax (202)267-4570.

### **The Amendments Addressed Improvements in the Safety of Roll-On/Roll-Off (RO-RO) Ships**

A package of Amendments to the International Convention on the Safety of Life at Sea, 1974 (SOLAS) was adopted by the 1995 Conference of Parties to the SOLAS Convention held at the International Maritime Organization (IMO) in London, from November 20 to November 29, 1995. The amendments addressed improvements in the safety of Roll-on/Roll-off (RO-RO) ships. The conference was attended by delegations from 84 contracting governments to the SOLAS Convention, observers from 8 other contracting governments, observers from 5 non-contracting governments, 1 associate member of IMO, 3 intergovernmental organizations, and 15 non-governmental organizations. Mr. I.M. Williams (Australia) was elected as President

## NEWS (CONT'D)

of the conference. CAPT J.F. Kelly (Ireland) was elected Vice President. Mr. Teh Kong Leong (Singapore) served as chairman of the working group. Mr. H.P. Cojeen (United States) chaired the subgroup on stability. The amendments were adopted by consensus and are scheduled to come into force on 1 July 1997, under the tacit amendment procedure of the SOLAS convention. All of the decisions taken by the conference were consistent with U.S. objectives. The most important amendments concern damage stability, phasing out of one-compartment standard RO-RO ships, evacuation arrangements, and lifesaving systems.

The panel was appointed and met five times in 1995, and developed a number of proposals for improvement in standards for RO-RO passenger ships. The panel's proposals for revision of The Convention on Standards for Training, Certification, and Watchkeeping (STCW) were considered and adopted by the resolutions were considered and adopted by the 19th IMO Assembly held November 13-24, 1995. This SOLAS conference considered those recommendations related to revision of the SOLAS convention.

### Key Decisions Taken By The Conference:

- A. Damage Stability
- B. One-Compartment Standard
- C. Collision Bulkhead Extension
- D. Watertight Integrity, E. Monitoring of Shell Doors
- F. Escape Routes
- G. As of the date of the ship's first periodical survey after 1 July 1997, public address systems on passenger ships (not limited to RO-RO passenger ships) will have to meet a number of new requirements intended to enhance performance in an emergency
- H. Lifesaving Arrangements
- I. Information on Passengers
- J. Helicopter Pickup and Landing Areas
- K. Decision Support System
- L. Emergency Radio communications
- M. Working Language
- N. Conference Resolutions.

A directly affected fleet under U.S. Flag will be the Alaska Marine Highway system, which operates services between Alaska, British Columbia, and Washington State. The U.S. delegation included a naval architect from Alaska marine highways who provided invaluable information about the fleet and the effect that the requirements would have on the Alaska Marine Highway operation. With his assistance, the U.S. Delegation was able to develop positions having the minimum of impact on this operation consistent with safety.

### USCG Publishes Final Rule on National Driver Register Checks and Criminal Record Review in Issuing Merchant Mariner's Credentials

On December 19, 1995, the Coast Guard published a Final Rule (60 FR 65478) that requires the review of the motor vehicle record of an applicant prior to the issuing or renewal merchant mariner credentials. The rule is effective on January 18, 1996.

This rulemaking also permits the Coast Guard to review the criminal records of applicants for renewals and other licensing or certification transactions. The final rule ensures that the Coast Guard has an opportunity to identify individuals who may not be suitable for maritime employment because they have a disregard for their own safety, the safety of others, or may present a risk to passengers, fellow crew members, or the safe operation of the vessel. On March 13, 1995, the Coast Guard published a notice of proposed rulemaking entitled "National Driver Register



## NEWS (CONT'D)

### Coast Guard Responds to Presidential Call for Regulatory Review

and Criminal Record Review in Issuing Licenses, Certificates of Registry, or Merchant Mariner's Documents" in the Federal Register (60 FR 13570).

This final rule is mandated by the Oil Pollution Act of 1990 (OPA 90). OPA 90 was developed in response to the Exxon Valdez oil spill in waters of Prince William Sound, Alaska.

The project manager for this rulemaking is Mr. James W. Cratty. To obtain a copy of the rule, call (202)267-0475 or fax your request to (202)267-4394. Call (202)267-0475 or write to Commandant (G-MCO-1), U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593-0001.

In the first of a series of rulemaking actions designed to reduce the regulatory burden on the U.S. maritime industry, the U.S. Coast Guard proposed to remove various obsolete and unnecessary regulatory requirements.

The Coast Guard proposal would purge the marine safety regulations of requirements that have become technically obsolete, are no longer needed and make the regulations harder to use. The parts of Title 46 Code of Federal Regulations that would be affected include: (1) requirements for nuclear-powered ships, incinerator ships and ocean thermal energy conversion ships; (2) provisions with long-passed compliance dates; and (3) requirements that are repeated elsewhere in the regulations. Numerous other administrative changes are also included.

The Coast Guard's ongoing regulatory reform program gained impetus from President Clinton's March 4, 1995 memorandum calling on executive agencies to review regulations with the goals of: 1) cutting obsolete regulations; 2) focusing on results instead of process and punishment; 3) convening meetings with the regulated community; and 4) expanding efforts to promote consensual rulemaking.

This proposed rulemaking is the first phase of the Coast Guard's response to the President's Regulatory Review Initiative. Other more involved rulemakings are scheduled to be published this summer to further relieve the regulatory burden on the U.S. maritime industry. The Coast Guard will continue to incorporate acceptable industry consensus standards, harmonize U.S. regulations with international standards and remove obsolete requirements. The Coast Guard anticipates issuing proposed rules for these projects to invite public comment.

The Proposed Rule was published in the Federal Register. Copies may be obtained by calling (202)267-6740 or by faxing a request to (202)267-4624. For additional information contact LCDR R. K. Butturini, Marine Technical and Hazardous Materials Division, at (202)267-2206 or write to Commandant (G-MMS-3), at Coast Guard Headquarters.

### Coast Guard and American Society of Mechanical Engineers Host Risk Based Technology Workshop

December 12-13 the Coast Guard and ASME Research Committee on Risk Based Technology hosted a workshop on the use of risk based technologies in regulatory applications. The workshop was attended by experts in the field of risk based technologies, members of the maritime community affected by regulations, and regulatory enforcement specialists.

The workshop speakers provided insight into what risk based technology is and how it can be used. They also outlined some of the applications in which it has been used, and provided some examples of how the Coast Guard is beginning to use risk assessment in safety determinations of marine systems. This information provided the background necessary for the second day for the breakout group sessions. Each group discussed different aspects of what the Coast Guard and industry need to do to initiate the acceptance of risk assessment results throughout the maritime industry and regulatory environment.

## NEWS (CONT'D)

### **Coast Guard Publishes New Offshore Supply Vessel Regulations**

General consensus by the end of the workshop indicated the use of risk based technology would be helpful in the development of appropriate regulations without overburdening the industry, and streamlining some existing regulations may be too conservative once analyzed with the new tools. The needed level of safety and solution would be assured. There were several recommendations made as a result of this workshop, but of paramount importance was the need to have open communication between the Coast Guard and industry, and in order for this to be successful, industry must participate fully.

The Coast Guard is working on developing a plan for implementing the recommendations from the workshop. Suggestion for areas where risk based technology can serve to improve regulations are welcome. For information contact Mr. Zbigniew Karaszewski at (703) 235-0002.

The U.S. Coast Guard announced an Interim Rule (IR) establishing anew set of regulations that govern the inspection and certification of offshore supply vessels (OSV) including lifeboats.

The rule contains many changes to existing regulations and policy governing conventional OSVs and, for the first time, includes regulations for liftboats that currently do not require inspection. Existing OSVs and OSVs under construction that receive a certificate of inspection from the Coast Guard within 24 months after the effective date of the IR will have the option of complying with new IR or continuing to comply with existing regulations.

The regulations represent a partnership and spirit of cooperation between the Coast Guard's Office of Marine Safety, Security and Environmental Protection and the offshore supply vessel industry. Over the past 12 years, the Coast Guard has published two Advance Notice of Proposed Rulemakings, one notice of Proposed Rulemaking and held a public hearing on the proposed regulations for offshore supply vessels.

The notice and public hearing generated over 280 comments on various aspects of the rule and many of the recommendations have been incorporated into this Interim Rule. The Coast Guard has made every effort to provide flexibility and cost savings to the offshore supply vessel industry, while retaining high standards for crew and offshore worker safety.

The most significant impact of the new regulations is that they consolidate requirements for the offshore supply vessels. Existing OSVs have been inspected and certificated under a number of regulations-Cargo and Miscellaneous Vessel Regulations; Small Passenger Vessel Regulations-depending on their age and tonnage. The Coast Guard said the new regulations will remove uncertainties and inconsistencies by consolidating existing standards and policy into a single subchapter.

Comments on the regulations (CGD 82-004 and CGD 86-074) must be received on or before Feb. 14,1996. Comments may be sent to Commandant (G-LRA/3406) U.S Coast Guard Headquarters, 2100 Second St., SW Washington, DC 20593-0001.

No public hearing has been planned. However, if the Coast Guard determines that oral presentations would aid in the promulgation of the Final Rule, one would be scheduled and a notice of the time and place would be published in the Federal Register.

For additional information or to obtain copies of the IR, contact James M. Magill, Project Manager, Operating and Environmental Standards Division (G-MOS) by calling (202)267-10S2.

## NEWS ( C O N T <sup>7</sup> D )

### **ABS Affiliate to Participate in \$3.8 Million U.S. Department of Defense Information Technolog Project**

The American Bureau of Shipping Marine Services (ABS MS) is participating with six other partners in a \$3.8 million, 18-month project to develop an Integrated Shipboard Information Technology (ISIT) platform.

With ISIT, this platform will provide a shipboard technology and communication base for the first time integrating the various "islands of information" existing onboard modern commercial ships.

Although there are significant amounts of important management data exist in the navigation, cargo, and machinery control systems this data has not been available from a single shipboard source and therefore largely unavailable to shore-based management.

This ISIT platform will also provide a standard open-architecture platform to run shipboard software and will provide a standard data-communications path to shore systems.

The trends to more complex ships and smaller crews in the maritime industry and dramatically increased regulatory oversight create a critical need for the services the ISIT platform will provide.

An agreement to undertake the ISIT Project was recently completed by the seven participants with the Advanced Research Projects Agency (ARPA) of the U.S. Department of Defense, and work is currently underway.

The ISIT is an outgrowth of the federal MARITECH program. managed by ARPA to develop and apply advanced technology aimed at improving the competitiveness of the United States shipbuilding industry and thereby preserve the nation's capability for U.S. Navy ship construction. The five-year program. now in its second year, matches industry investments with federal funds on a competitive basis.

### **INTERTANKO Enhances Presence in London**

The International Association of Independent Tanker Owners (INTERTANKO). after a short trial period has decided to make its London Office permanent. This London office was opened in June 1995 and was manned by INTERTANKO executives that were sent from the Oslo Headquarters on a rotating basis. The positive results of the trial period were considered at meetings of INTERTANKO's governing bodies this month.

INTERTANKO'S London representative is Mr. Trygave A. Meyer. Commander Meyer joined INTERTANKO in 1972, and was appointed Director in 1987. He is a graduate from the Norwegian Naval Academy in 1958 and he also has served onboard merchant vessels. After leaving the Navy in 1962. he worked 10 years in the marine industry's insurance field. He has qualified as a General Average Adjuster and passed the exams for Master Mariner. Mr. Meyer has passed advanced charting and ship broking courses and has also worked as a nautical surveyor. Mr. Meyer's responsibilities with INTERTANKO have included tanker safety technical and documentary issues. as well as administrative tasks.

You may contact Mr. Trygve A. Meyer at INTERTANKO'S London office at the BALTIC EXCHANGE. 38 St. Mary Axe, London EC3A8BH.TIF: (44171)369 1649 fax: (44171)369 1650.

### **Oil Spill Fingerprinting**

Almost twenty years ago, the U.S. Coast Guard developed a unique technology using advanced analytical chemistry techniques to conclusively match two samples of oil. This provided the agency with the capability to "fingerprint" an oil sample taken from a suspected sources. such as a tanker, barge, or petroleum storage facility.

**NEWS (CONT'D)**

The technique has been used routinely to support the investigation of spills and prosecute violators. It has also been used to discriminate between sources and oil types during actual response efforts, such as the Exxon Valdez spill.

The New England Section heard a talk about the history of this technology at its October meeting. Coast Guard LCDR Kristy Plourde and Dr. Martha Hentilck were the featured speakers. They summarized the evolution of oil spill fingerprinted from research and development to operation implementation at the Coast Guard's Marine Safety Laboratories at the University of Connecticut at Avery Point.

**oil Pollution Act of 1990 Editor's Note:  
Survey**

The following request came from a former member of the OPA 90 staff who is now pursuing a Master's Degree in public interest. Anyone wishing to assist is encouraged to contact him.

The Oil Pollution Act of 1990 is a broad and sweeping piece of legislation. The Act's creators sought solutions for vexing problems and had high expectations for the success of regulations stemming from this Act. Today, many questions are being raised about the regulatory process and whether regulations are accomplishing their intentions. Nearly six years after passage of OPA 90, there are questions about the success and viability of OPA 90 legislation. Has the Act met its grand intern? What has worked? What has not?

Through the Public Administration Masters Program at the University of Alaska. I am conducting a survey of affected and interested parties on OPA 90. The questionnaire is an opportunity to share your thoughts, criticisms, accolades, concerns, and recommendations. Any input is appreciated. To obtain the questionnaire, please contact Dale Gardener by phone: (907)269-7862; by fax: (907)269-7648; or by mail: P.O. Box 101514, Anchorage, AK 99510-1514. Thank you for your participation.

**Coast Guard Launches  
(CGC IDA LEWIS)**

On Oct 13, 1995 the United States Coast Guard launched its new CGC *Ida Lewis*. The cutter is designed for search & rescue (SAR), aids to navigation, domestic icebreaking and marine environmental protection. Among the Keeper-class cutters' more notable features is that they will be the first cutters in the Coast Guard to be equipped with Z-Drive propulsion units instead of the standard propeller and rudder configuration.

Here a brief story about Ms. Lewis: Idawalley Zorada Lewis (Ida), 1842-1911, was one of a number of women lighthouse keepers in the Lighthouse Service. Her father, CAPT Hosea Lewis, had been a pilot aboard a Revenue Cutter for 12 years until ill health forced him to be transferred to the Lighthouse Service. He was appointed keeper of Lime Rock Light near Newport, RI., in 1854. After Hosea had a stroke in October 1858, the responsibility for maintenance of the light fell to Ida and her mother.

In 1858, at the age of 16, Ida performed her first rescue, although it wasn't publicized for another 11 years. She single-handedly rescued four young boys whose boat had capsized. In February 1866, three drunken soldiers returning from Fort Adams borrowed a small skiff belonging to Ida's brother. They took it off the beach to take a shortcut to the fort. One of the soldiers began banging his foot against the planking of the skiff until it finally was kicked out, and the skiff began to sink. The other two soldiers began swimming for shore, but the one who kicked out the side of the skiff held on to the wreckage. Upon reaching him, Ida realized that the man was drunk and extremely heavy. After several tries to get him in the boat, she gave up and put a line around him, towing him back to shore. With her mother's help, he was moved into the house and revived.

All in all, she is credited with 18 documented rescues and perhaps as many as 24.

## NEWS (CONT'D)

### Courses Approved During October and November 1995

After her father's death in 1879, Lewis was appointed keeper of the light by a special act of Congress. By July 1, 1907, Lewis had been on duty for 18,250 nights. half a century. In 1911, she died at the age of 66.

| <i>School</i>             | <i>Course</i>       | <i>Date Approved</i> |
|---------------------------|---------------------|----------------------|
| Hollywood Marine          | Tankerman-Pic       | Jan I, 1995          |
| Alaska Voc Tech           | Master/Mate         | Jan 29, 1995         |
| Maritime Health Services  | First Aid           | Apr 1,1995           |
| CPR4U                     | First Aid/CPR       | Aug 1,1995           |
| Sea School                | OUPV                | Ott 1,1995           |
| Maritime Institute        | Boating Safety      | Ott 1,1995           |
| SO. Cal. Merchant Marine  | Master/Mate         | Ott 1,1995           |
| Compass North Nautical    | 100 GTMaster        | Ott 1,1995           |
| Marine Safety Consultants | Radar (Rivers)      | Dec 1,1995           |
| PCS Phosphate Company     | Tankerman-PIC Barge | Dec 1,1995           |
| Savannah Pilots Assoc.    | Apprentice Pilot    | Jan 2, 1996          |

### The Office of Marine Safety, Security and Environmental Protection (G-M) World Wide Web Homepage

#### The WWW and the Internet, A Little History

The Internet is the home of the World Wide Web (WWW). The WWW uses the protocols and wires of the Internet to provide information in a more user friendly method than was possible before. However, the WWW is not the Internet, it is just one method of using the Internet. During the early days of the Cold War, the infant Department of Defense was quite concerned about communications being able to survive an attack or natural disaster. Even then, early computers were a major part of the communications network. The "mainframe" concept, where all talked to one main computer, had one drawback: if the mainframe was destroyed or damaged, all communications stopped. Therefore, DoD settled on the concept of a loose-knit network of many computers. If any one of them was disabled, the rest could still communicate around it.

In the mid 80s, the National Science Foundation added other "non-DoD" parts to the network as a seed to foster its growth. In the late 80s, many commercial activities saw potential and started working in the same area. Commercial services such as CompuServe and America On Line started providing "Internet-like" services and even some limited connections to the Net, such as E-Mail. The rate of growth increased.

Even with the growing volume of information available on the Net, public use was not common. Simply put, getting on the Net and using it was difficult and could be expensive. The difficulty-in-use problem had to be solved in order to reach a critical mass of users that could sustain a large, cheap system. A group of researchers in Switzerland used the Net a lot, but they were physicists, not computer "geeks," and they wanted a better way to look up information and pass the word to their colleagues around the world (by the late 80s the Net had connections in nearly every country in the free world). Out of this desire, the beginnings of the WWW sprang. The basic "rules" for a simple-to-use graphical interface were developed, and the developers released those rules to the public domain. These rules, called HTML, and the underlying TCP/IP (from the US DoD system) meshed and the World Wide Web Browser was born.

## NEWS (CONT'D)

What is available on the G-M WWW Homepage

The following major sections are:

**General Files.** This section contains a number of documents about the USCG Office. Examples include

- Key Word Index. The index contains a listing of key words and concepts showing who in the Office deals with particular issues or concepts.

Ž Office Organization Description.

Ž Phone Lists of the office.

- Speeches by Senior Coast Guard Maritime Safety personnel.

**Publications.** This section contains electronic versions of various office publications. Examples include:

- The Proceedings of the Marine Safety Council
- The Marine Safety Newsletter
- Navigation and Vessel Inspection Circulars
- The Marine Safety Manual (under construction)
- Ship Structure Committee Reports
- Revised guidelines for conducting the Coast Guard's Oil Spill Removal Organization (OSRO) program

**Regulations (under construction), Regulation Change Notices, and Information Notices.** In this section you will find the text of regulations and notices issued by the Office.

**Studies and Reports.**

**Exam Questions and Approved Schools for Merchant Mariners.**

**International Maritime Organization.** In this section you will find documents from the International Maritime Organization.

**Prevention Through People.** In this section you will find documents about the Prevention Through People Initiative.

**The Sea Partners Program.**

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Lester Bedient, former member of the Towing Safety Advisory Committee (TSAC) died on January 7, 1996. Lester, associated with Crowley Maritime for 67 years, was a very active participant in TSAC. As a member for a number of terms, he chaired several subcommittees addressing critical safety issues. After his official membership duties concluded, he continued as an active participant at meetings and provided valuable advice and sage counseling. His experience and willingness to express his opinion well served the committee, the U.S. Coast Guard, and the industry. His wise counsel, as well as his friendship, will be missed.

## G-M REGULATORY PROJETS

### OPA 90

The list of studies, reports, and rulemakings is a listing of pending projects. Within each section, projects are arranged sequentially according to the section number of the Act.

The number in parentheses following the abbreviated project title is the OPA 90 project number. When calling to request additional information, please reference this number.

|   |  |
|---|--|
| <b>SEC.1013(e)<br/>Claims Procedures (8)<br/>and SEC.1014(b)<br/>Designation of Source<br/>and Advertisement (9)</b>  | Addresses the presentation, filing, processing, settlement and adjudication of claims against the Fund, as well as the advertisement of designation and the notification of claims procedures.<br><br>Status: Final Rule is on hold pending resolution.<br><br>Contact: Mr. Skall, tel.: (703)235-4700, fax: (703)235-4838.  |
| <b>SEC.1016(a)<br/>Financial Responsibility<br/>(10)</b>  | Requires vessel owners and operators to demonstrate and maintain evidence of financial responsibility meeting the limits of liability established by section 1004(a) of OPA 90.<br><br>Status: Interim Final Rule published July 1,1994 (59 FR 34210).<br><br>Contact: Mr. Skall, tel.: (703)235-4792, fax: (703)235-4838.   |
| <b>SEC.3002<br/>U. S. Canada Great Lakes<br/>Oil Spill Cooperation and<br/>SEC.3003 U.S.Canada<br/>Lake Champlain Oil Spill<br/>Cooperation (12 &amp; 87)</b>             | Requires the Department of State to review international agreements and treaties with the Government of Canada regarding the prevention of oil discharges, assurance of removal of oil, and full compensation to those injured by a discharge on the Great Lakes and Lake Champlain.<br><br>Status: Discussions ongoing between U.S. and Canada. Project completion date dependent upon outcome of U. S.Canada discussions.<br><br>Contact: LT Cliff Thomas, tel.: (202)267-1099.  |
| <b>SEC.4102(e)<br/>Criminal Record Review<br/>(18),<br/>SEC. 4105<br/>Access to National<br/>Driver Register (21)</b>   | Provides discretionary authority to review the criminal record of each merchant mariner credential applicant, and requires applicants to make available information in the National Driver Register.<br><br>Status: Final Rule published December 19,1995 (60 FR 65478). Project Complete. Effective date January 18,1996.<br><br>Contact: Mr. Stewart Walker, tel.: (202) 267-0475.   |
| <b>SEC.4103<br/>Suspension and<br/>Revocation of Licenses,<br/>Certificates of Registry,<br/>and Merchant Mariner's<br/>Documents for Alcohol<br/>and Drug Abuse (19)</b> | Will allow the USCG to temporarily suspend and take possession of a license, COR, or MMD before a hearing under certain circumstances; adds two new bases under which merchant mariner credentials may be suspended or revoked; and imposes a new requirement on a mariner that must be satisfied before merchant mariner credentials can be issued after revocation.<br><br>Status: Will be merged with 94-111, Update 46 CFR 5, Personnel Action. (See Projects 18 and 21)<br><br>Contact: LT.J. Griffin, tel.: (202)267-0687. |
| <b>SEC.4106(b)<br/>Reporting Marine<br/>Casualties (23)</b>   | Requires that oil and hazardous materials discharges be reported to the USCG. Adds "significant harm to the environment" to the list of reportable marine casualties. Includes reporting a marine casualty involving a citizen of the U.S. on a foreign flag passenger vessel.<br><br>Status: Regulations are being developed. A public meeting was held on January 20,1995.<br><br>Contact: ENS Nguyen, tel.: (202)267-1100, fax: (202)267-4547.  |

## G-M REGULATORY PROJECTS (CONT'D)

**SEC.4111**  
**Study on Tanker**  
**Navigation Safety**  
**Standards (30)**

Requires the Secretary to report on the adequacy of existing laws and regulations to ensure the safe navigation of vessels transporting oil.

Status: Study is being conducted in 12 parts. Congress will review periodic reports as sub-studies are completed.

Contact: Ms. Meers, tel.: (202)267-6758, fax: (202)267-4624.

**SEC.4113 (a & b)**  
**Use of Liners (33)**

EPA is determining if liners should be used to prevent leaking at onshore facilities located near navigable waters that are used for the bulk storage of oil.

Status: EPA will make recommendations in a report which is currently being drafted. Next action undetermined.

Contact Mr. Mould, tel.: (703)603-8728, fax: (703) 603-9116.

**SEC.4115**  
**Marine Board OPA 90**  
**Implementation Review**

Status: The Marine Board of the National Academy of Sciences has been retained by the Coast Guard to study the effects of the implementation of Section 4115 of OPA 90 on the marine oil transportation industry. The two-year study commenced in February 1995. An interim report is expected to be released around January 1996.

Contact: Mr. Sirkar, or Mr. Klingel, tel.: (202)267-6925, or (202)267-6826.

**SEC.4115(a)**  
**Research in Tanker**  
**Groundings(38A)**

This non-mandated study is being conducted by the USCG to determine if regulations are needed to implement this section of the Act. This study explores the behavior of tanker structures during grounding.

Status: Research is being conducted at MIT and is scheduled for completion in December 1995.

Contact Mr. Sirkar, tel.: (202)267-2988.

**SEC.4115(b)**  
**Existing Tank Vessel**  
**Requirements (37)**

Requires additional structural and operational measures for single-hull tank vessels, of 5000 gross tons or more, until the phase-out date, to reduce pollution.

Overall Status: SNPRM on Operational Measures published November 3, 1995 (60 FR 55904) and discussed in the November 1995 issue of the Marine Safety Newsletter. NPRM was published October 22, 1993 (58 FR 54870). Based on the public meeting held January 20, 1994, in Washington, DC, and on comments received to date, the USCG has broken this project into three distinct phases to accelerate portions that are non-controversial. The new phases will include specific operational measures. In addition, the USCG will reexamine structural requirements. For a more complete discussion see the May 15, 1994 and the February 15, 1994 editions of the OPA 90 Update.

Phase I: A final rule consisting of requirements for lightering equipment and the reporting of a vessel's international IMO number prior to port entry was published August 5, 1994 (59 FR 40186).

Phase II: A supplemental NPRM outlining operational measures including training requirements, survey requirements, and some maneuverability measures has been proposed on November 3, 1995 to focus on reducing the accident risk of these vessels. (60 FR 55904)

Phase III: A supplemental NPRM detailing the structural requirements for these vessels and also including some alternative measures for reducing the outflow of oil if the vessel becomes damaged.

**C o n t a c t s :**

Phase I: Mr. Bob Gavin, tel.: (202)267-1053, fax: (202)267-4690.

Phase II, III: LCDR Englebert, tel.: (202)267-1492, fax: (202)267-4547.



## G-M REGULATORY PROJECTS (CONT'D)

**SEC.4116(C)  
Escorts for Certain  
Tankers; Other  
Geographic Areas (44a)**

Designates U.S. waters (other than PWS, AK and Puget Sound, WA) where single hull tankers must be escorted.

Status: USCG is reviewing comments from the ANPRM and public hearings. NPRM delayed as a result of USCG consideration of public comments. NPRM is being drafted.

Contact: Mr. Jordan, tel.: (202)267-2988, fax: (202)267-4816.

**SEC.4202(a)  
(FWPCA 1321 (j)(6))  
Removal Equipment  
Requirements &  
Inspection/Contractor  
Classification (90) & (91)**

Requires the inspection of containment booms, skimmers, vessels, and other major equipment used to remove discharges. To facilitate compliance by industry and verification of compliance by the Federal Government with this provision and with the response plan requirements, the USCG is working with ASTM to develop consensus standards for terminology, guidelines, recommended practices, and equipment test methods. Also, although not specifically required by OPA 90, standards for classifying OSROs by their estimated capacity to contain and remove oil spills facilitates response plan preparation by industry, plan review by the Federal Government, and OSROs' ability to evaluate their own capability.

Status: Rulemaking activities deferred. OSRO guidelines issued January 3, 1996.

Contact LTHoover, tel.: (202)267-0448, fax: (202)267-4085.

**SEC.4202(a)  
Tank Vessel Response  
Plans: Hazardous  
Substances (95)**

Requires owners or operators of tank vessels carrying hazardous substances to submit a response plan for worst case discharges.

Status: ANPRM in final clearance.

Contact: LT Thomas, tel.: (202)267-1099, fax: (202)267-4547.

**SEC.4202(a)  
Facility Response Plans:  
Hazardous Substance (96)**

Requires owners or operators of onshore marine transportation related facilities to submit a response plan for worst case discharges of hazardous substances.

Status: ANPRM in final clearance

Contact: LT Thomas, tel.: (202)267-1099, fax: (202)267-4547.

**SEC.4202(b)(4)  
Vessel Response Plans  
(57)**

Requires owners or operators of tank vessels to prepare and submit a response plan for a worst case discharge of oil. The USCG issued guidance to the industry and published an IFR that is currently in effect.

Status: Final Rule in clearance.

Contact: LT Thomas, tel.: (202)267-1099, fax: (202)267-4547.

**SECA202(b)(4)  
Facility Response Plans  
(88)**

Requires owners or operators of marine transportation related onshore facilities to prepare and submit a response plan for a worst case discharge of oil. The USCG published an IFR that is currently in effect.

Status: FR in final clearance.

Contact: LT Thomas, tel.: (202)267-1099, fax: (202)267-4547.

**SEC.4305  
Inspection and Entry (64)**

Provides the USCG with authority to inspect and enter facilities and to review relevant records.

Status: Internal policy guidance is being drafted for Marine Safety Manual. No rulemaking will result.

Contact: LCDR Kantz, tel.: (202)267-6280, Fax: (202)267-1069.

## G-M REGULATORY PROJECTS (CONT'D)

### Other G-M regulatory projects

The following is an outline of other G-M regulatory projects including their status and completion dates. The Marine Safety Newsletter will update this listing as new projects develop.

#### **CGD 79-116**

##### **Tankerman**

Rulemaking would define and establish more stringent qualifying criteria for individuals engaged in transporting and transferring various categories of oil and dangerous liquid Cargoes.

Status: IFR published April 4, 1995 (60 FR 17134), Comments period ended 30 June 1995. Final rule is being drafted.

Contact: Mr. Mark Gould, tel.: (202)267-6890.

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#### **CGD 83-043**

##### **Incorporation of Amendments to the International Convention for Safety of Life at Sea, 1974**

This project incorporated the provisions of chapters II-1, II-2, and V of the Safety of Life at Sea, 1974 International Convention (SOLAS 74). These provisions generally provide for acceptance of technology which is standard industry practice, such as the use of plastic pipe in some places and common-rail bilge and ballast systems.

Status: Final rule published on May 10, 1995 (60 FR 24767).

Contact: LCDR R. Butturini, tel.: (202) 267-0027.

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#### **CGD 84-069**

##### **Lifesaving Equipment-Implementation of 1983 Amendments to SOLAS 1974**

Project would implement the provisions of the 1983 amendments to SOLAS 1974 (Safety of Life at Sea) which came into force in July 1986. It would also reorganize the lifesaving equipment regulations in order to simplify, clarify, and reduce redundancy.

Status: FR is in final clearance.

Contact: Mr. Bob Markle, tel.: (202)267-1076.

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#### **CGD 85-080**

##### **Small Passenger Vessel Inspection and Certification**

This rulemaking will revise subchapters S and T and create a new subchapter K to reflect statutory changes, incorporate new technology, and improve safety requirements. Among changes contemplated would be a change in inspection intervals, dry-docking intervals, lifesaving equipment requirements, and fire protection requirements.

Status: IFR published.

Contact: LT Eric Christensen, tel.: (202)267-1055.

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#### **CGD 85-205**

##### **Revision to Invaluable Lifteraft Approval: SOLAS 74/83**

This project will establish approval requirements for inflatable life rafts meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Status: FR being drafted.

Contact: Mr. Kurt Heinz, tel.: (202)267-1079.

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#### **CGD 86-074**

##### **Offshore Supply Vessel Regulations**

Regulations will consolidate existing Offshore Supply Vessel standards and policy into a single subchapter and make specific revisions to accommodate the unique characteristics and methods of operation and the service in which the vessels are engaged.

Status: IFR published on November 16, 1995 (60FR57630).

Contact Mr. Jim Magill, tel.: (202)267-1082.

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#### **CGD 88-079**

##### **Implementation of the Commercial Fishing-Industry Vessel Safety Act**

The project addresses stability for vessels less than 79 feet in length, survival for vessels operating near shore with less than four persons on board, and requirements for carriage of immersion suits in the final rule.

Status: FR is in final clearance.

Contact: LCDR Mark D. Bobal, tel.: (202) 267-0836.

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## G - M REGULATORY PROJECTS ( C O N T ' D )

### **CGD 89-050 Vessel Identification System**

Project establishes a Vessel Identification System (VIS). Rulemaking will prescribe the manner and form for participating States to make information available for VIS; to establish guidelines for State vessel titling systems; and to establish procedures for certifying compliance with those guidelines.

Status IFR published April 25, 1995 (60 FR 203 10), Comment period ended July 24, 1995. Notice of reopening comment period and public hearing published Oct. 17, 1995.

Contact LCDR Rick Fernald, tel.: (202)267-0386.

### **CGD 91-012 Security for Passenger Vessels and Passenger Terminals**

This action will improve security measures on passenger vessels engaged in international voyages of 24 hours or more, and on the port facilities serving these vessels.

Status: NPRM published on March 25, 1994. Rule being developed.

Contact CDR Dennis Haise, tel.: (202)267-6451.

### **CGD 92-013 User Fees For Approvals of Equipment Laboratories, and Servicing Facilities**

This regulatory project would establish direct user fees for Coast Guard services relating to equipment approvals, factory inspections, acceptance of independent laboratories and acceptance of servicing, repair, and testing facilities.

**Status: Project** being reviewed.

Contact Mr. Jack Klingel, tel.: (202)267-1044.

### **CGD 93-055 Approval of Inflatable Personal Flotation Devices (PFDs) for Recreational Boaters**

The rulemaking proposes to establish approval procedures for recreational inflatable personal flotation devices (PFDs).

**Status:** NPRM published June 23, 1995 (60 FR 32861), Comment period ended October 23, 1995.

**Contact:** Mr. Samuel E. Wehr, tel.: (202)267-0262.

### **CGD 93-056 Facilities Transferring Oil and Hazardous Material in Bulk**

This rulemaking will revise the provisions of 33 CFR part 154 to provide regulations covering facilities transferring oil or hazardous materials that are clearer than the current regulations and promote a high level of safety and environmental protection.

Status: NPRM published February 23, 1995(60 FR 10044). FR being drafted.

Contact LCDR John Farthing, tel.: (202)267-0505.

### **CG 94-004 Amendment to 46 CFR 14--Revise Recordkeeping of Shipping Articles and Certificates of Discharge**

Coast Guard proposes to eliminate the requirement for maritime operating companies to submit copies of shipping articles, certificates of discharge, and other seamen employment documents to the Coast Guard. Companies will still be required to submit information contained in the certificates of discharge, but will be allowed to submit the required information electronically.

**Status:** NPRM in clearance

Contact Mrs. Justine Bunnell, tel.: (703)235-1951.

### **CGD 94-020 Navigational and Safety Equipment for Towing Vessels (103)**

Proposed rulemaking amends 33 CFR part 164 to require towing vessels of 8 meters or more in length to carry specified navigation equipment. A marine radar, a searchlight, appropriate charts, current publications, proper towlines, magnetic compasses, electronic positioning devices, and depth sounding devices are proposed depending on the area of operation. These proposed rules were written in conjunction with the Towing Safety Advisory Committee (TSAC), the Navigation Safety Advisory Council (NAVSAC), and public comment. It is part of a comprehensive initiative by the USCG to improve navigational safety for towing vessels.

## G - M REGULATORY PROJECTS ( C O N T ' D )

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|--|---|
|  | <p><b>Status:</b> NPRM published on November 3,1995 (60 FR 55890)..</p> <p>Contact: LCDR Englebert, tel.: (202)267-1492, fax.: (202)267-4547.</p>   |
| <p><b>CGD 94-029</b><br/><b>Modernization of</b><br/><b>Examination Methods</b></p>  | <p>This rule will amend 46 CFR parts 10 and 12 to allow other than written exams, and third party testing.</p> <p><b>Status:</b> Final Rule is in clearance.</p> <p>Contact Mr. Mark Gould, tel.: (202)267-6890.</p>  |
| <p><b>CGD 94-040</b><br/><b>Vessel Rebuild</b><br/><b>Determinations</b></p>   | <p>This rulemaking would define relevant terms and develop a standard to determine the character and scope of work on a vessel that will result in a determination that the vessel has been rebuilt.</p> <p><b>Status:</b> Final Rule is in clearance.</p> <p>Contact Ms. Patricia Williams, tel.: 1-800-799-8362 or (304)271-2400/2405.</p>  |
| <p><b>CGD 94-041</b><br/><b>Radar-Observer</b><br/><b>Endorsement for</b><br/><b>Operators of</b><br/><b>Uninspected Towing</b><br/><b>Vessels</b></p> | <p>Coast Guard is amending its regulations to require that, at the time of license renewal, each licensed master, mate, and operator of a radar-equipped uninspected towing vessel of 26 feet or more in length obtain a radar-observer endorsement.</p> <p><b>Status:</b> IFR published on October 26, 1994 (59 FR 53754), Comment period closed June 1,1995 (60 FR 8308). Six hundred sixty-two comments received and under review. Final Rule being drafted.</p> <p>Contact LCDR Don Darcy, tel.: (202)267-0221.</p>         |
| <p><b>CGD 94-070</b><br/><b>Facsimile Filing of</b><br/><b>Commercial Instruments</b><br/><b>Related to Vessel</b><br/><b>Documentation</b></p>        | <p>This regulation will amend the vessel documentation regulations to provide for operational filing of commercial instruments by facsimile, and to establish a filing and recording handling fee for filing instruments by facsimile.</p> <p><b>Status:</b> FR published on August 7,1995 (60 FR 40238).</p> <p>Contact: Ms. Patricia Williams, tel.: 1-800-799-8362 or (304)271-2400/2405.</p>  |
| <p><b>CGD 94-089</b><br/><b>Advance Notice of</b><br/><b>Arrivals, Departures,</b><br/><b>and Certain Dangerous</b><br/><b>Cargoes</b></p>             | <p>This project will amend requirements for notice of arrival and departure in 33 CFR 160, Subpart C. Section 160.207 will now apply to non-excepted vessels over 300 gross tons destined for or departing from all ports and places of the United States, and to all non-excepted foreign vessels, regardless of tonnage, destined for or departing from all ports and places of the Seventh District.</p> <p><b>Status:</b> NPRM in clearance.</p> <p>Contact: CDR Dennis Haise. tel.: (202)267-6451.</p>                     |
| <p><b>CGD 94-108</b><br/><b>Revision to Subchapter</b><br/><b>J-Electrical Engineering</b><br/><b>Regulations</b></p>                                  | <p>This rulemaking will revise technical areas of 46 CFR Subchapter J to clarify electrical engineering design, construction, and testing requirements; to delete obsolete requirements; to reflect experiences with vessel reflagging; and to more closely parallel international standards.</p> <p><b>Status:</b> NPRM being drafted.</p> <p>Contact: Gerald Miente, tel.: (202)267-0029.</p>   |
| <p><b>CGD 94-110</b><br/><b>Recreational Inflatable</b><br/><b>Personal Flotation</b><br/><b>Device Standards</b></p>                                  | <p>Rulemaking will add regulations for the approval of inflatable personal flotation devices (PFDs) for use on recreational boats. These new regulations will establish structural and performance standards for these inflatable PFDs, as well as the procedures for Coast Guard approval of such inflatable PFDs.</p> <p><b>Status:</b> IFR published June 23, 1995(60 FR 32836), Comment period extended until November 6, 1995(60 FR 5263 ). FR being drafted.</p> <p>Contact: Mr. Samuel E. Wehr, tel.: (202)267-0262.</p> |

**G-M REGULATORY PROJECTS (CONT'D)****CGD 94-111****Update 46 CFR 5,  
Personnel Action  
Regulations**

This project would consolidate procedures for administrative hearings on the suspension and Revocation (S&R) of Merchant Mariner's credentials (MMCs) and on class II civil penalties. It would also update and revise the remainder of 46 CFR part 5.

Status: Workplan in clearance.

Contact: LTJ. Griffin, tel.: (202)267-0687.

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**CGD 95-010****Alternative Compliance**

This rulemaking will provide owners of US tank vessels, passenger vessels, cargo vessels, miscellaneous vessels and mobile offshore drilling units an alternative method fulfill the requirements for vessel design, inspection, and certification. Under the rule, the Coast Guard will issue a certificate of inspection based upon a recognized classification society's report that the vessel complies with the International Convention for the Safety of Life at Sea, as amended (SOLAS), other applicable international conventions, classification society rules, and other specified requirements. This will reduce the burden on vessel owners and operators by eliminating duplicative plan reviews and inspections by the classification society and the Coast Guard.

Status: NPRM Published 22 June 95 (60 FR 32478) Comment Period Closed 20 Sept. 95.

Contact: LCDRG. Cummings, tel.: (202)267-0171.

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**CGD 95-011****Programs for Chemical  
Drug and Alcohol  
Testing of Commercial  
Vessel Personnel:  
Removal of Foreign  
Implementation Date**

This rulemaking will ensure that Coast Guard drug testing regulations will not conflict with foreign law or policy by exempting drug testing rules while the vessel is in foreign waters. It will also result in no other change to the current applicability of the drug testing requirements.

Status: NPRM published on August 21, 1995 (60 FR 43426). Comment period ended on October 20, 1995. Nine comments received and are being reviewed.

Contact LT. J. Hilton, tel.: (202)267-0686.

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**CGD 95-012****Removal of Obsolete  
and Unnecessary  
Regulations**

The Coast Guard's marine safety regulations are being purged of requirements that are obsolete.

Status: NPRM published on May 9, 1995 (60 FR 24748), comment period ended on July 10, 1995. FR published Sept. 18, 1995, (60 FR 48044)

Contact: LCDR R. Butturini, tel.: (202) 267-0027.

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**CGD 95-027****Adoption of Industry  
Standards**

This rulemaking will revise or remove sections of 46 CFR that are obsolete, unnecessary or excessive by addressing regulations that can be replaced with proven industry standards without degrading the existing level of safety.

Status: NPRM published on December 20, 1995, 60 FR 65988.

Contact LCDR R Butturini, tel.: (202) 267-0027.

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**CGD 95-028****Identification and  
Removal of Obsolete  
and Unnecessary  
Regulations**

This rulemaking will revise or remove sections of 46 CFR that are obsolete, unnecessary or excessive by addressing regulations identified by the public for which the impact of removal, revision or substitution is unclear.

Status: NPRM being drafted

Contact LCDRR. Butturini, tel.: (202)267-0027.

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**CGD 95-055****Revisions to OUTV  
Licenses**

This rulemaking would revise the requirements for licensing those individuals that operate towing vessels. It would institute new licenses with levels of qualification and with enhanced training and operating experience. Further, it would require that

## G - M REGULATORY PROJECTS (CONT'D)

all towing vessels be manned by officers holding licenses specifically authorizing such service. It is based on the investigation of an allision of a tug and barge with a railroad bridge, near Mobile, Alabama, in September 1993, which caused 47 deaths. The casualty prompted the Coast Guard's report, Review of Marine Safety Issues Related to Uninspected Towing Vessels. Some of the recommendations contained in the review will be incorporated into this rulemaking.

**Status:** NPRM being drafted.

**Contact** LCDR Don Darcy, tel.: (202)267-0221.

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### **CGD 95-062 1995 Amendments to STCW**

This rulemaking will revise the current rules on licensing and documentation, as well as those on workhours and watchkeeping (46 CFR parts 10, 12, and 15) to reflect the requirements in the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafares. 1978.

**Status:** NPRM being drafted.

**Contact:** Mr. Christopher Young, tel.: (202)267-0214.

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## **E V E N T S**

### **International Boatbuilders Exhibition and Conference**

**Title:** International Boatbuilders Exhibition and Conference

**Sponsor:** Professional Boatbuilder Magazine and CMC

**Date:** February 8-10, 1996

**Location:** Greater Ft. Lauderdale/Broward County

**Contact:** Travel Planners (800) 221-3531 and from area codes 212, 516, 718, Or 914 call (212) 532-1660.

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### **International Helicopter Safety Conference**

**Title:** International Helicopter Safety Conference

**Sponsor:** Marine Survival Training Center, University of Southwestern Louisiana

**Date:** February 12-13, 1996

**Location:** Lafayette Hilton and Towers in Lafayette, Louisiana

**Contact:** USL Marine Survival Training Center, USL Box 42890, Lafayette, LA 70504-2890 Fax: (318)262-5926.

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### **ABYC Meeting**

**Title:** ABYC Annual Meeting and Reception

**Sponsor:** Mitchell and McAlpin and Associates

**Date:** February 13, 1996

**Location:** The Bath Club 5937 Collins Avenue, Miami Beach, Florida, (305) 866-1621

**Contact:** Call Holiday Inn Oceanside-Convention Center direct at 1-800-356-6902. Reservations must be made by January 3, 1996.

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### **Ship Production Symposium**

**Title:** 1996 Ship Production Symposium and Workshop

**Sponsor:** Society of Naval Architects and Marine Engineers, National Shipbuilding, Research Program

**Date:** February 14-16, 1996

**Location:** The Hyatt Regency, La Jolla in San Diego, California

**Contact:** By fax: (619) 535-8252, By mail: SNAME c/o Concepts Meeting & Trade Show Mgmt. 6540 Lusk Blvd., Suite C-124, San Diego, CA 92121.

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### **ISO TC-8 Subcommittee Meeting**

**Title:** ISO TC-8 Subcommittee Meeting on Lifesaving and Fire Protection

**Sponsor:** United States Marine Safety Association

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## EVENTS (CONT'D)

|   |   |
|---|---|
|   | <p>Date March 4-5, 1996</p> <p>Location: Maritime Institute of Technology &amp; Graduate Studies (MITAGS) in Linthicum Heights (Baltimore), Maryland</p> <p>Contact: Shannon K. Coghlan, Executive Director (215) 564-3484.</p>   |
| <b>First American International Shipbuilding Exposition</b>         | <p>Title American International Shipbuilding</p> <p>Sponsor Shipbuilders Council of America, McNabb Expositions, Inc., AISE</p> <p>Date April 11-13, 1996</p> <p>Location: Morial Convention Center in New Orleans</p> <p>Contact: McNabb Expositions, Inc., Tel: (207)236-6196, Fax (207) 236-0369.</p>  |
| <b>SASMEX International</b>   | <p>Title: Safety at Sea and Marine Electronics Conferences and Exhibiton</p> <p>Sponsor NECSA - Navigational Electronic Charts System Association The Nautical Institute, IASST - International Association for Sea Survival Training, ILAMA - International Lifesaving Appliance Manufacturers Association RNLI - Royal National Lifeboat Institute</p> <p>Date April 30, 1996 May 1-2, 1996</p> <p>Location: Brighton Metropole Hotel, Brighton, UK</p> <p>Contact: Gillian Jones, SASMEX International '96, Queensway, Redhill, Surrey, RH1 IQS, England. Tel: 44(0)1737768611, Fax: 44(0)1737 760564.</p> |
| <b>1996 Officers Conference</b>                                     | <p>Title: 1996 Officers Conference</p> <p>Sponsor: ASTM</p> <p>Date May 6-7, 1996</p> <p>Location: ASTM Headquarters 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>Contact: Teresa Cendrowska, Conference Chairman (610) 832-9718, or Bob Held, Conference Vice-Chairman (610) 832-9719.</p>   |
| <b>International Association of Drilling Contractors Conference</b> | <p>Title Well Control - Europe</p> <p>Sponsor: International Association of Drilling Contractors</p> <p>Date May 22-24, 1996</p> <p>Location: Aberdeen Conference/Exhibit Center</p> <p>Contact: Mrs. Melissa Nellis, Tel: (713)578-7171, Fax: (713)578-0589.</p> <p>Title: Well Control - Americas</p> <p>Sponsor: International Association of Drilling Contractors</p> <p>Date August 1-2, 1996</p> <p>Location: Inter-Continental Hotel, Rio de Janeiro</p> <p>Contact Mrs. Melissa Nellis, Tel: (713)578-7171, Fax: (713)578-0589.</p>   |
| <b>USMSA Safety Seminar</b>   | <p>Title: The 1996 USMSA Safety Seminar</p> <p>Sponsor: United States Marine Safety Association</p> <p>Date June 24-26, 1996</p> <p>Location: The Westmark Kodiak, Kodiak, Alaska</p> <p>Contact Shannon Coghm, tel.: (215)564-3484 or fax: (215)963-9785.</p>  |
| <b>MARSIM '96</b>   | <p>Title: International Conference on Marine Simulation and Ship Maneuverability</p> <p>Sponsor: Danish Maritime Institute, Danish Maritime Authority, Association of</p>   |

## EVENTS (CONT'D)

|   |  |
|---|--|
|   | <p>Danish Shipbuilders, and Danish Shipowners' Association<br/> Date: September 8-13, 1996<br/> Location: Copenhagen Sheraton Hotel, Copenhagen, Denmark<br/> Contact: Conference Secretary, DIS Congress Service Copenhagen, Herlev Ringvej 2C, DK-2730 Herlev, tel.: +4544924492, fax: +45 44925050. Please direct abstracts to Erik Kasper, Danish Maritime Institute, Hjortekaersvej 99, DK-45 879325, fax: +4545 879333.</p>  |
| <b>Crisis and Emergency Management</b>                                  | <p><b>Title:</b> Exercising Why, When, and How: Gearing Up Your Crisis Management Program<br/> Sponsor: Corporate Response Group, Inc.<br/> Date: September 19-23, 1996 Anchorage, AK and November 5-9, 1996 Calgary, Canada<br/> Location: Corporate Response Group, Inc. Washington, DC<br/> Contact: Corporate Response Group, Inc. 1615 L Street, NW, Suite 1260, Washington, DC 20036 Tel: (202)775-0177 or Fax: (202)467-0513.</p>   |
| <b>SNAME Annual Meetings</b>  | <p><b>Title:</b> SNAME Annual Meetings &amp; International Maritime Expositions<br/> <b>SPONSORS:</b> The Society of Naval Architects and Marine Engineers<br/> <b>Date: September 28 - October 2, 1999</b><br/> <b>Location:</b> Baltimore Hyatt Regency at Inner Harbor &amp; Baltimore Convention Center (Exposition) Baltimore, Maryland<br/> <b>Date:</b> October 2-5, 1996<br/> <b>Location:</b> Marriot Marquis Hotel, New York City<br/> <b>Date: October 15-19, 1997</b><br/> <b>Location:</b> Westin Hotel, Ottawa, Ontario, Canada<br/> <b>Date: November 9-14, 1998</b><br/> <b>Location:</b> Doubletree Inn at Horton Plaza &amp; San Diego Concourse (Exposition) San Diego, California<br/> <b>Contact: SNAME, 601 Pavonia Ave., Jersey City, NJ 07306 tel.: (201)798-4800.</b></p> |
| <b>Shipbuilding, Machinery and Marine Technology Exhibition</b>         | <p><b>Title:</b> Shipbuilding, Machinery &amp; Marine Technology Exhibition and Conference<br/> Sponsor: Shipbuilding, Machinery and Marine Technology<br/> Date: October 1-5, 1996<br/> Location: Hamburg Messe und Congress GmbH<br/> Contact: Hamburg Messe, P.O. Box 302480 D-20308 Hamburg, Tel: (4940)3569-0. Fax: (4940) 3569-2149.</p>   |
| <b>The International Market for Marine Environment and Safety Forum</b> | <p><b>Title:</b> Market Mechanisms for Safer Shipping and Cleaner Oceans<br/> Sponsor: Erasmus Forum and Ectal the Centre for Transport &amp; Logistics<br/> Date: October 10-12, 1996<br/> Location: Rotterdam, The Netherlands<br/> Contact: Erasmus Forum, Ms. K. Gikas Project Assistant, Ms. M. de Leeuw Conference Manager, Tel: 31104081098 or Fax: 31104530784.</p>  |



## **E V E N T S     (   C O N T ' D )**

### **The Third Seatrade Convention**

**Title:** The Third Seatrade Tanker Industry Convention

**Sponsor:** International Association of Independent Tanker Owners

Date October 29-30, 1996

Location: Royal Lancaster Hotel, London, UK

Contact: Seatrade Organization, tel.: +44102645121, fax: +44 120645190.

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### **SSC/SNAME Symposium '96**

**Title:** Human and Organizational Errors in Marine Structures-A Quest for Quality in Design, Construction, and Maintenance

**Sponsor:** Ship Structure Committee (SSC) and Society of Naval Architects and Marine Engineers

Date November 18-20,1996

**Location:** Sheraton National Hotel, Arlington, Virginia

Contact: Papers should be sent to Papers Committee Chairman, Al Attermeyer, Military Sealift Command, Code CTAN731, 901 M Street SE., Washington, DC 20398-5540, tel.: (202) 685-5210 or fax: (202)685-5223.

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### **ISM Seminars**

**Title:** ISM Seminars

**Sponsor:** American Bureau of Shipping

Location: Various cities worldwide

**Contact:** Local ABS Office for specific information on dates and locations.

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### **ISO 9000 Training Classes**

**Title:** World Class ISO 9000 Training

**Sponsor:** CEEM Inc. and British Standards Institution

Contact: CEEM Inc., 10521 Braddock Road, Fairfax, VA22032-2236, tel.: (703)250-5900 or (800)745-5565.

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## CALENDARS

### Shipping Coordinating Committee and U.S. SOLAS Working Group Meetings:

SOLAS/Working Group on Design and Equipment. . . . .22-26 Jan 96

### IMO Meetings in London:

Subcommittee on Design and Equipment . . . . .22-26 Jan 96

Subcommittee on Dangerous Goods, Solid Cargoes and Containers . . . . .5-9 Feb 96

*Jurists/Linguists Expert Group on Amendments to the London Convention 1972 . . . . .26-Feb 1 Mar 96*

Subcommittee on Bulk Liquids and Gases . . . . .4-8 Mar 96

Flag State Implementation (FSI)<sup>4</sup> . . . . .18-22 Mar 96

### International Conference on Hazardous and Noxious Substances and

Limitation of Liability. . . . .15 Apr-3 May 96

Maritime Safety Committee 66th . . . . .28 May -6 Jun 96

Council . . . . .17-21 Jun 96

Technical Co-Operation Committee. . . . .20 Jun 96

Marine Environment Protection Committee 38th. . . . .1-10 Jul 96

Subcommittee on Safety of Navigation (NAV) . . . . .15-19 Jul 96

Subcommittee on Stability and Load Line and on Fishing Vessels Safety (SFL) . . . . .2-6 Sep 96

Subcommittee on Fire Protection. . . . .30 Sep-4 Oct 96

Legal Committee . . . . .14-18 Oct 96

71 Fund Assembly, 92 Fund Assembly. . . . .21-21 Oct 96

London Convention Diplomatic Conference. . . . .28 Oct -8 Nov 96

*Council . . . . .18-22 Nov 96*

Technical Co-Operation Committee . . . . .21 Nov 96

Maritime Safety Committee 66th . . . . .2-6 Dec 96

Eighteenth Consultative Meeting of Contracting Parties to the London Convention 1972. . . . .04-08 Dec 96

*Dates in italic are tentative.*

# C A L E N D A R S ( C O N T ' D )

|  |                      |
|--|----------------------|
| International Boatbuilders Exhibition & Conference .....                               | 8-10 Feb 96          |
| ISO TC-8 Subcommittee Meeting .....  | 4-5 Mar 96           |
| International Helicopter Safety Conference .....                                       | 12-13 Feb 96         |
| ABYC Annual Meeting and Reception .....  | 13 Feb 96            |
| SNAME/NSRP Ship Production Symposium .....   | 12-16 Feb 96         |
| 1996 Ship Production Symposium and Workshop .....                                      | 14-16 Feb 96         |
| ISO TC-8 Subcommittee Meeting .....  | 4-5 Mar 96           |
| Safety at Sea and Marine Electronics Conferences and Exhibition .....                  | 11-13 April 96       |
| First American International Shipbuilding Exposition .....                             | 30 April, 1-2 May 96 |
| 1996 Officers Conference .....   | 6-7 May 96           |
| Well Control Conferences: Well Control-Europe .....                                    | 22-24 May 96         |
| MSC 66 .....   | 28 May 96            |
| .....  | 6-7 Jun 96           |
| USMSA Safety Seminar .....   | 24-26 Jun 96         |
| MEPC 38 .....  | 1-10 Jul 96          |
| Well Control Conferences: Well Control-Americas .....                                  | 1-2 Aug 96           |
| Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SFL-40) ..... | 2-6 Sep 96           |
| International Conference Safe Ship .....   | 4-5 Sept 96          |
| MARSIM '96 .....   | 08-13 Sept 96        |
| Exercising Why, When, and How: Gearing Up Your Crisis Management Program .....         | 19-23 Sept 96        |
| Shipbuilding, Machinery & Marine Technology Exhibition and Conference .....            | 1-5 Oct 96           |
| Market Mechanisms for Safer Shipping and Cleaner Oceans .....                          | 10-12 Oct 96         |
| The Third Seatrade Convention .....  | 29-30 Oct 96         |
| Exercising Why, When, and How: Gearing Up Your Crisis Management Program .....         | 5-9 Nov 96           |
| SSC/SNAME Symposium '96 .....  | 18-20 Nov 96         |
| MSC 67 .....   | 2-5 Dec 96           |
| USMSA Annual Meeting .....   | 4-5 Dec 96           |
| SASMEX .....   | April 97             |
| ASTM F25 Annual Meetings .....   | 21-23 May 96         |
| .....  | 10-12 Dec 96         |
| .....  | 6-8 May 97           |
| .....  | 9-11 Dec 97          |
| SNAME Annual Meetings .....  | 2-5 Oct 96           |
| .....  | 15-19 Oct 97         |
| .....  | 9-14 Nov 98          |
| .....  | 28 Sep-02 Oct 99     |

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